



Bamboo Ch. 81  
C. L. T.









X

ACTS AND PROCEEDINGS  
OF  
THE GENERAL ASSEMBLIES  
OF THE  
KIRK OF SCOTLAND,  
FROM THE YEAR M.D.LX.

COLLECTED FROM THE MOST AUTHENTIC MANUSCRIPTS.

PART THIRD. M.D.XCIII.—M.DC.XVIII.

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EDINBURGH, M.DCCC.XLV.



THE Volume now presented to the Club, embraces the concluding portion of the Recorded Proceedings of the General Assemblies of the Church of Scotland, held within the period contemplated in the present Work. Its delivery has been retarded by accidental circumstances, in themselves of little importance; but the delay has afforded an opportunity of rendering this compilation somewhat more accurate and complete.

The Index to the entire Work has been compiled by Mr DAVID MEEK, with that extreme accuracy and exact knowledge of the early history of the Scottish Church, for which he has been so long distinguished. It may be proper to mention, that the additions and corrections to the Index were chiefly owing to his great anxiety to render it more perfect, from new sources of information which became available after the sheets had been sent to press.

EDINBURGH, *March* 1845.



# THE BANNATYNE CLUB.

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ADAM URQUHART, ESQ.  
100 RIGHT HON. SIR GEORGE WARRENDER, BART.

AT an Extraordinary General Meeting of the BANNATYNE CLUB,  
held in the Apartments of the Antiquarian Society, on Friday  
the 8th of July 1836:

THE PRESIDENT having stated, that the destruction of the early Registers of the Church of Scotland, in the year 1834, being no longer a matter of doubt, it had become highly desirable that measures should be taken for collecting and printing, in addition to the volume known by the title of "The Booke of the Universall Kirk of Scotland," whatever else could yet be recovered from authentic sources of the recorded proceedings of the General Assemblies, from the era of the Reformation to the period from which the original Registers were still extant. The Meeting approved of the President's recommendation, and he was requested to take such steps as he might judge fit for preparing a specimen of the proposed Work.

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AT a Meeting of the COMMITTEE of the BANNATYNE CLUB, held at Edinburgh, in the House of the President, on Monday the 13th day of November 1837:

The PRESIDENT stated, that he expected soon to exhibit a specimen of "The Booke of the Universall Kirk,"—and suggested, that it should be put within the option of the MAITLAND CLUB to secure copies of the Work, by furnishing paper and paying a proportionate share of the expense. The Secretary was directed to make a communication to this effect.

AT an Extraordinary General Meeting of the BANNATYNE CLUB,  
held in the Hall of the Antiquarian Society, on Monday the  
29th of January 1838 :

In pursuance of the Minute of the Committee on the 13th of November last, and after communicating with the Committee of the Maitland Club, it was RESOLVED,—That the printing of “The Booke of the Universall Kirk of Scotland,” containing the Acts and Proceedings of the General Assemblies of the Church, from the year M.D.LX., be proceeded with, under the superintendence of THOMAS THOMSON, Esq., President of the Club, at the joint expense, and for the use, of the Members of the BANNATYNE and MAITLAND CLUBS.

DAVID LAING, SECRETARY.

AT an Extraordinary General Meeting of the BANNATYNE CLUB,  
held at Edinburgh, in the Hall of the Antiquarian Society,  
on Monday the 15th day of April 1839 :—

RESOLVED,—That the First Part of “The Acts and Proceedings of the General Assemblies of the Kirk of Scotland, from the year M.D.LX.. collected from the most authentic Manuscripts,” and now printing for the Bannatyne and Maitland Clubs, be circulated among the Members.

DAVID LAING, SECRETARY.

## THE PREFACE.

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IN presenting to the Club these remains of the Recorded Proceedings of the Church of Scotland, during the first half century after the Reformation, it may be fit to offer some explanation of the causes of their imperfect state; and not uninteresting to trace the successive dangers and escapes through which the original muniments had passed, down to the period when there is too much reason to believe they were left to perish in the conflagration of the Houses of Parliament in the year 1834.

The duty of recording the proceedings, and framing the Registers of the General Assemblies of the Church, was from the first entrusted to an officer regularly elected; to whom also was committed their ordinary custody.\* In these Registers was embodied the most authentic

\* This officer appears under the various designations of “Scribe” or “Clerk of the Assembly,”—“Common Clerk of the Kirk,”—and “Clerk of the General Assemblies, and Keeper of the Register of the same.” During the period embraced in the following volumes, the office was held by four different persons in succession, whose names have been rendered of some importance, in tracing the subsequent history of these records. The first in order was Mr John Gray, whose appointment was probably coeval with the first General Assembly in 1560. In the Register of Ministers, &c. 1567, (printed for the Maitland Club,) there is the following entry, which shews that his services were not entirely gratuitous:—“Mr John Gray, Keipar of Registre of Ministers thair Stipendis, “ Extractor thairof, and Clerk of the Generale Assembleis and Keipar of the Registre

evidence of the original constitution of the Presbyterian Church, and of its practical administration under the guidance of those able and distinguished men by whose exertions and influence its reformation had been achieved. To their well-known importance in that view, have been mainly owing the perils and injuries to which these records have been exposed.

During the first twenty years after the Reformation, the prevailing current of opinion in favour of the Presbyterian polity had been little disturbed, and the Registers of the Church appear to have remained in the custody of the proper officer; but in the course of the subsequent struggles for the re-establishment of Episcopacy, they acquired a sinistrous interest, and by some disorderly means had passed into other hands, from which they were ultimately rescued with no little difficulty. Although ignorant as yet of the injuries they had sustained, and even uncertain into whose hands they had fallen, the leaders of the Church became anxious to recover the possession of these records, and to replace them under the care of their own officers. Accordingly, in the General Assembly held in May 1586, two of the members were “directit  
“ to the Kings Majestie to solicite the redelyverance of the same,  
“ [and] returnit his Hienes answer, That they sould be delyverit  
“ to the Clerk ilk day during the Assemblie, but at evin they

“ of the same, in recompense of his labouris bigane and to cum, ij<sup>e</sup> fi.” In 1574. Mr James Ritchie was elected his successor, and sworn into the office with great solemnity. On his decease in 1596, Mr Thomas Nicolson, advocate, (and Commissary of Aberdeen,) was, by a plurality of votes, chosen, sworn, and admitted; and, with some temporary interruptions, retained the office till 1618, when, on his “dimission,” Mr James Sandilands was received in his place. In 1638, Mr Archibald Johnston, (afterwards better known as Lord Wariston,) was elected Clerk by the General Assembly held at Glasgow; and to him succeeded Mr Andrew Ker, who survived the Restoration in 1660.

“ sould be in the hands of the Lord Privie Seale quhill the end  
 “ of the said Assemblie ; betwixt and quhilk day his Majestie  
 “ wald be present himselfe.” This strange reserve in permitting (P. 647.)  
 to the Church the custody and use of her own Records, was ap-  
 parently intended to elude the detection of the frauds practised by  
 those into whose hands they had fallen ; while, at the same time, it  
 well harmonized with the favourite views of the King in asserting a  
 civil supremacy over the ecclesiastical establishments of the country.

In the Assembly held in June 1587, “the King’s Commissioners  
 “ having offered their concurrence in rerecovering the Registers, if it  
 “ might be known in whose hands they were ; and the Moderator  
 “ having desyrit the brether that could give any light in this matter  
 “ to manifest the same,” it was ascertained that they were then in (P. 686.)  
 the possession of Patrick Adamson, Archbishop of St Andrews : and  
 the royal authority having been obtained in aid of that of the  
 Church, to compel their production, it would appear that in the  
 first instance they had been given up to the Lord Secretary ;  
 and after much hesitation and cavil, there was “at length presentit  
 “ to the sight of the kirk fyve volumnes of thair Actis, quherof  
 “ a great part being mankit, and, after the sight thereof, being  
 “ redelyverit,—the haill brether ordainit ane heavie regrate to  
 “ be made to his Majestie in article, lamenting the away tak-  
 “ ing and mutilating of the saids Bookes, and to crave that the  
 “ same may be restored, and also that the saids Bookes may be  
 “ delyverit in the Kirks hands, to remane with them as their  
 “ awne Register, namelie in respect of the answer returnit from  
 “ my Lord Secretar; that his Majesties will was, that the Kirk sould  
 “ have inspection thereof as they had adoe presently, and to give  
 “ them up againe.” (P. 697.)

The restoration of the mutilated parts of the Registers, was  
 unhappily no longer possible ; but the story of this disgraceful

proceeding seems to have been first disclosed, in the year 1591, in the humiliating confessions elicited from Archbishop Adamson by the Provincial Synod of Fife. He there ventures to assume to himself the credit of having saved the Acts of the General Assembly from the flames, to which they were destined by the Earl of Arran ; but confesses, that “upon a certain day in Falkland, before “ they were delivered to the Kings Majestie, the Bishop of N. ac-“ companied with Mr Henry Hamiltoun, rent out some leafes, and “ destroyed sie things as made aganis our estate, and that not “ without my awne speciall allowance.”\*

There seems to be no doubt, that prior to the date of these disclosures, the Registers of the Church had been replaced in the hands of the Clerk of the Church, nor does it appear that any further attempts were then made to disturb their legitimate custody. But hazards of another kind were awaiting them. On the over-thrown of the Presbyterian polity in the year 1606, its muniments were no longer regarded as of dangerous importance ; and for more than thirty years they appear to have been neglected and lost sight of by the Church. The period however was fast approaching

\* Row's History of the Kirk of Scotland, p. 123. Edin. 1842, 8vo. In the Latin edition or version of this *Palinodia*, the passage relative to the Books of the Kirk is thus given :—“ Quod ad illud quod queritis, quis casus obtigerit Commentariis Synodi Generalis, “ ita res se habet. Integros servavi in redditum nobilissima et ministrorum ex Anglia : “ quod si non fecisset, Comiti Araniae in animo erat curare ut conjectarentur in ignem, “ Faleolandiae quodam die, priusquam traditi sunt Regiae Majestati, Episcopus N. una “ cum M. Henrico Hammiltonio discepserit quadam folia, et ea quæ adversus ordinem “ nostrum ulli usui esse possent, idque me approbante.”—A. Melvini Musæ, et P. Adamsoni Vita et Palinodia,—p. 51. 1620, 4to. It has been supposed that the person here alluded to was David Cunningham, who had been preferred to the Bishoprick of Aberdeen in the year 1577. The extent of the mischief thus practised has not been exactly ascertained, but the indications of this rough process of castration will be found in the following work, at pages 417, 424, 461, 465, 474.

when a due sense of their importance was to revive ; and very serious alarms for their safety had begun to prevail, when, to the surprise of all, the greater part of them was brought to light in the General Assembly held at Glasgow in the year 1638. Of that unexpected and joyous event, the contemporary historians of the Presbyterian Church have been anxious to preserve the minute and interesting details.\* It may here suffice to state, that by the successful exertions of Mr Archibald Johnston, who had been then chosen Clerk of the Church, and who was destined to act a still more prominent part in after life, the greater part of the Registers prior to 1590 had been traced and found in the hands of private individuals, officially connected with Mr Thomas Nicolson, the last regular Clerk, in whose possession they had been left after his “dimission” in 1618. Those only of subsequent date had been received by his successor Mr James Sandilands, whose son, an unsuccessful candidate for the clerkship, surrendered them to the Assembly.

On the part of the Royal Commissioner, there was shown an evident disinclination to recognise the authenticity of these records; but to put an end to all doubts on that head, the books were subjected to a minute and careful scrutiny, by a Committee of distinguished members; whose elaborate report, proving them to be “true, famous and authentick registers of the Kirk,” was ultimately approved by an unanimous decision of the Assembly.

(App. p. XXIII.)

Of these more ancient records there were in all five volumes; four of which were found to contain the original record of the Assembly’s Proceedings from 1560 to 1590; with the exception of that from March 1572 to March 1573, and of that from July 1580 to October 1583. The former of these was recovered and pro-

\* See Appendix, No. I.

(App. p. xxviii.) dueed to the next General Assembly held in 1639; of the other no trace appears ever to have been found.\* That loss however was supplied by a fifth, what is described as the "greatest volume," and which proved to be a well-authenticated "duplicate" of the entire series of proceedings prior to the year 1590.

From the state of safe custody to which they were thus once more restored, the records of the Church were doomed to be again withdrawn, at the disastrous period of the English invasion in 1650. After several transfers from place to place, it was thought advisable to seek a shelter for them in the fortress of the Bass: in April 1651 a requisition was sent to the keeper, "that the Bass might be made "secure for the Registers, as it had been in a former day of calamity;" and as a further precaution against the accidents of war, it was "agreed that the great volume, being a duplicate of some of the rest," should be sent to the castle of Dunottar, to which the Regalia of the

(App. p. xxix.) Kingdom had been carried. But neither the Regalia, nor "the great volume," were very long considered as in a place of safety; and on the authority of a letter from certain members of the Commission of the Church assembled at Aberdeen, on the first of September 1651, the Register in question was delivered to the Earl of Balcarres, who had been the High Commissioner to the General Assembly held at St Andrews in the preceding month of July.† The more important portion deposited in the fortress of the Bass, fell soon afterwards into the hands of the English invaders, and was removed from

\* From the proceedings in the Assembly 1638, given in the Appendix, it appears that these missing volumes were supposed to be in the hands of Archbishop Spottiswood, who is stated by Lord Rothes to have obtained from the king a warrant to demand them from Nicolson, the former clerk, and from whom the later volumes after 1590 were obtained by Sandilands. It is highly probable that the Archbishop had desired to have the use of these Records in the composition of his Ecclesiastical History.

† See Dr McCrie's Memoirs of Veitch, &c. p. 524.

Scotland in pursuance of an Order of the House of Commons, April 27, 1652,—“That Major-General Dean cause the public Records “of the Kirk, taken in the said isle, [the Bass,] to be packed up in “cask and to be sent to the Tower of London, there to remain in “the same custody that the other Records that come from Scot-“land are.”

In 1657, Sir Archibald Johnstoun, Lord Wariston, in virtue of his office of Clerk Register, was successful in obtaining from the Protector’s Council a warrant for restoring to Scotland such of the public Records “as concern private men’s cases and interests only ;” but all those “of a public nature” were retained till the period of the Restoration. There can be little doubt that his ardent zeal in the service of the Kirk would not allow him to be inattentive to the fate of these Registers ; but of the means or the time of their actual release from the Tower, no distinct traces have been found. They do not appear to have been included among the Records surrendered in 1657, of which a full Inventory is preserved ; and although it might be presumed that they were sent back to Scotland in September 1660, along with the other Public Records of the Kingdom, yet no distinct traces of their existence or subsequent fate have been found. The possibility of their retention in England, for reasons similar to those which prevented the transfer to Scotland of the Acts and Proceedings of Parliament during the Civil War, might have left a glimpse of hope for their ultimate recovery, had not the recent arrangement of the Records in the State Paper Office, and at the Tower, precluded every chance of their being yet discovered in those repositories. Whether these Registers of the Church may not have formed a part of the Records that were lost at sea on the voyage to Scotland in 1660, must remain a matter of mere conjecture, as there exists no satisfactory evidence of what was included in that unfortunate cargo. If it be supposed barely possible that they

were brought back to Scotland, the only conjectural alternative which remains is, that they may have perished in the great fire at Edinburgh in the year 1701, which consumed a large mass of consistorial and ecclesiastical records.\*

The other portion of the Church's muniments which had been transferred to the castle of Dunnottar in 1651, and afterwards placed in the hands of Lord Balcarras, there seems reason to believe, had been committed by him to the custody of Mr Andrew Ker, the successor of Lord Wariston in the Clerkship of the General Assembly, and on his death, had passed into the possession of his brother and heir, Mr Robert Ker. After the death of the latter in 1677, they are said to have been discovered in his private repositories, either in consequence of some previous information conveyed to the Government, as stated by Bishop Keith,† or more probably by the officers of the Commissary Court, in the course of their official researches. How they afterwards came into the possession of Paterson, Bishop of Edinburgh, does not appear; but in his hands they were retained, after the re-establishment of Presbytery in 1689; and in disregard of unquestionable legal rights and obligations, he appears to have treated them as articles of merely antiquarian curiosity, and, as such, to have presented or bequeathed them to the Honourable Archibald Campbell, an eminent virtuoso in his day, and afterwards a titular bishop of the Episcopal Church of Scotland. Bishop Paterson died in 1708; and it is remark-

\* In the General Assembly at Edinburgh, March 1703, an Aet was passed "for supplying and preserving the Registers and Papers belonging to the General Assemblies, Committees, and Commissioners thereof;" proceeding on this preamble: "The General Assembly taking into their consideration the great loss the Church hath sustained by the burning of several of their Registers and some papers, in that dreadful fire which happened in the Lawn Mercat of Edinburgh upon the 28th day of October 1701," &c. Among these losses, the Registers of the Assemblies 1638, 1639, 1640, 1641, 1642, are particularly mentioned.

† History of Scotland, p. 497. Note b.

able that twenty years afterwards, the fact that those were genuine Registers of the Kirk seems not to have been ascertained. In a letter from Mr Robert Wodrow to Lord Grange, written apparently in 1728, after alluding to the Manuscripts collected by George Ridpath,\* it is added, “ He pretended to have our original Acts of Assembly, as I “ hear Mr Archibald Campbell, Lord Niel’s son, pretends his copy is “ likewise an original record.” This uncertainty may help in some degree to account for the tardiness, if not indifference, which the leaders of the Church had hitherto shown in vindicating their just rights, and compelling the restoration of an unquestionable portion of the Public Records of the Kingdom.

At length, however, the authenticity of the Registers in the hands of Mr Campbell appears to have been ascertained, and on the part of the Church a negociation was set on foot for their recovery, of which some valuable traces are preserved, but which is said to have failed in consequence of the extravagant and preposterous conditions proposed by that eccentric person.† Beside the payment of a sum of money as the price of their own property, which was considered as excessive, it was to be an indispensable preliminary that the books should be printed under his own superintendence, to the absolute exclusion of any revisal by any member of the Established Church. The rejection of such conditions can excite no surprise ; but it may well be wondered at, that there the matter should have been suffered to rest, and that no legal measures for compelling the restitution of the property should have been adopted. To these

\* WODROW CORRESPONDENCE, III. 285.—The manuscript in Ridpath’s possession would appear to have been a copy of “The Book of the Universal Kirk.” It was acquired by Dr James Fraser, another curious collector, and presented by him to the Library of the Divinity Hall in the University of Edinburgh. Unfortunately it has been lost for many years ; but a transcript of it was made for the use of the Church in 1730.

† The documents alluded to are in the archives of the Church, and have been printed in the Appendix, No. VII. p. xxxix.

no effectual bar had been created by the subsequent transfer of the books to the Library of Sion College, London, by a deed of gift dated in the year 1737; but whether from a certain sluggishness of movement incident to such bodies, or from some ill-advised distrust of their own rights, the Church does not appear to have made any effort, or bestowed any serious thought on the subject, till nearly a century after, when the Reverend Dr Lee, now the Principal of the University of Edinburgh, began to rouse the attention of his brethren to the assertion of their long neglected claims. The strict justice of these he was most eminently qualified to illustrate and enforce; and for his zealous and laborious services in the cause, he well entitled himself to the thanks of successive Assemblies of the Church. It can never cease to be matter of deep regret, that his exertions had not secured a timely and more strenuous support; and that regret is embittered by the consideration that the first practical step, and the expected prelude, to a full vindication of the Church's right to these Records, was doomed to become the immediate cause of their loss.

In the year 1834, in pursuance of an Order of a Select Committee of the House of Commons on Church Patronage, Dr Lee, Dr Welsh, and Principal Macfarlan, accompanied by Mr James Chalmers,\* obtained access to the Library of Sion College, and reported that "they had inspected three books in manuscript, "bearing to be records of the Proceedings of the General "Assembly of the Church of Scotland from 1560 to 1616:"— "and that in their opinion these Records were the genuine and "authentic Register of the Proceedings of the General Assembly "of the Church of Scotland for the above period." Under another Order of the Committee, these volumes were reluctantly dragged from their place of deposit, and produced by one of

\* At a previous examination of the MSS. in Sion College, Mr John Richardson, and Mr David Laing, Secretary of the Bannatyne Club, formed part of the Deputation.

the officers of the College ; who was informed “ that the Committee “ wished the books to lie upon the Table for their inspection, and “ that the Committee would send to him when they wished them to “ be returned.”\* The consequence of this resolution seems to be but too well ascertained. By a sad oversight the books were suffered, at the close of the Session, to remain in the Committee Room, and that part of the buildings was burnt down on the 16th day of October ensuing.

(App. p. xxxvii.)

The books thus destroyed were three in number. The first, embracing the Proceedings of General Assemblies from December 20. 1560 to March 1589, was unquestionably the same “greatest book” produced by Wariston in the Assembly 1638 ; as, independently of certain coincidences observed by Dr Lee, it contained an attestation in the hand-writing, and with the well known signature of Wariston, as Clerk of the Assembly, that it had been received and acknowledged as an authentic register. The two other volumes, containing the Proceedings of General Assemblies from 1590 to 1616, were in all probability the same that were presented to the Assembly in 1638, by Sandilands, the son of the last Clerk of the Church within the period to which they relate.

(App. p. xxxviii.)

The great importance of the Proceedings of the Reformed Church of Scotland to the illustration of the constitutional and general history of the kingdom, had not escaped the early attention of the Bannatyne Club ; and in the absence of other means of giving publicity to the genuine records of the Church, the project was gravely entertained of undertaking that national work. The fatal catastrophe of 1834 terminated that more ambitious scheme ; and there only remained the plan here adopted of retrieving, from such secondary

\* See Report of Select Committee on Church Patronage, pp. 355, 374, 451, App. p. 155.

sources as yet exist, the broken and disjointed fragments of the original Registers. Imperfect though they certainly are, two of these sources are here deserving of particular notice.

1. From an early period it became an object of importance to select from the general registers of the Acts and Proceedings of the Church, such parts as were calculated to illustrate and explain the principles of its constitution, and to regulate its ordinary administration.

(P. 325.) As early as 1574, a Committee of Members was appointed “to take travell in visiting and perusing of the Acts of the Assembly; to mark and note sick as are general, that thereafter they may be drawn and extracted out of the Books, that all

(P. 566.) “pretext of ignorance may be tane away.” Again in 1582, the Assembly “ordaines Mr [John] Craig to lay an order for collecting the Acts of the Kirk betuixt and the nixt Assemblie.” In 1583, “Anent the travels taken be Mr Craige in collecting and disposing the Acts of the Assemblie,” certain brethren are ordained “to consider and oversee the samine, and to returne their opinion back to the Assemblie;” and in the same Asscembly, “anent the labours taken be Mr John Craige in collecting of the Aets of the Assemblie, seing the great travells tane be him for the weale of the same, not without the singular fruit and profite of the whole brethren, to the effect the same may be absolved and brought to perfection, it is thought good that” the Commissioners “travel in perusing the whole work,” and assist in the full completing thereof,—“that the judgment of the next General Assemblie may be had there-

(P. 624, 628.) “upon.” And in the following Assembly, held in the same year, the Commissioners report that they “had considered the travels of Mr Craig in the Acts of the Kirk, and that in his labours God was to be praised: yet some things they had noted, wherewith they desired he shoulde conferr, and thereafter proceed with him in farther reasoning.”

Of the praiseworthy labours of Mr John Craig, nothing more appears till the year 1593, when the following entry occurs : “ Anent (P. 815.)  
 “ the Actis of the Kirk : That everie Presbyterie may be the better  
 “ instructit therin, the Kirk hes ordinit Mr James Carmichaell, quha  
 “ has alreddie tane sum paneis in correcting therof, to perfyte the  
 “ work, and to present the same to the next General Assemblie of  
 “ the Kirk.” And again, in the Assembly of 1595, “ Anent the (P. 856.)  
 “ Actis of the Assemblie : The brether has ordainit that the samein  
 “ be sichtit, and speciall Acts for practise of the Kirk be extractit  
 “ and joinit with the Booke of Discipline, to be publisheit either  
 “ in wryte or print, that none pretend ignorance therof, and to this  
 “ effect to concurre with the Clerk, Mrs Robert Pont, Thomas  
 “ Buchannan, James Melvill, Johnstoun, and James Carmichael.”\*  
 Here we find no distinct allusion to the previous labours of Mr John Craig ; but having evidently had the same object, it may be presumed that those of Mr James Carmichael and his coadjutors consisted of a revisal, perhaps enlargement, and continuation of the former.†

That these careful compilations should have been afterwards entirely lost sight of, is highly improbable ; and as there still exist various copies of such an abridgment, to which has been usually given the title of “ the Book of the Universal Kirk of Scotland,” it seems no very hazardous conjecture, that these may be transcripts of the work of Carmichael, continued to the termination of

\* Some curious notices relative to the progress of Mr Carmichael's labours occur in the Register of the Provincial Synod of Lothian and Tweeddale, and will be found in the Appendix, p. xxx.

† This Manuscript appears to have belonged to William Earl of Crawford-Lindsay, who flourished in the reigns of Charles I. and II., and was distinguished for his attachment to the Presbyterian Church : it has his autograph signature in different parts of the volume.

Presbyterian government in 1606. The copy preserved in the Advocates Library appears to be a manuscript of the early part of the seventeenth century, and contains proceedings of Assemblies down to the year 1616, including most of those that were condemned as unlawful by the General Assembly of 1638. It has been adopted as the main ground-work of the present collection, and has been found on collation to admit of little correction or improvement from any other copy. When the larger volume from which it must have been compiled, was examined by Dr Lee  
(App. p. xxiv.) in 1834, he found, on a random calculation, that it contained more than thrice the quantity of matter preserved in "the Book of the Kirk;" but of what that larger quantity chiefly consisted, he had not an opportunity of ascertaining, further than that the Record "contained a great mass of information in a more complete " and certainly in a more correct form than any thing that has been " exhibited in any of the publications which he had ever seen."

2. In aid of the "Book of the Kirk," and for the enlargement of its contents, the Ecclesiastical History of David Calderwood has proved of most important use. It would be here out of place to enter into any detailed account of that valuable work. It was undertaken, if not originally under the express authority, yet with the entire approbation of the Church; and as the Records, recovered in 1638, were completely accessible to the author, it is evident that he had made a diligent use of his opportunities, and had not confined his researches to any of the abridgments which were then extant. His quotations from the Registers of the Assembly are very copious, and in the present work have been interwoven with the contents of the Book of the Kirk, but never without indicating the source from which they have been derived, by including them within brackets, with the initial letter of the author's name. The great value of Calderwood's work has been long known,

and its complete publication from the original manuscript, now in the British Museum, has been one of the meritorious labours of the Wodrow Society. The extracts introduced into the present collection have been taken from a transcript of the original, made for the use, and under the inspection of Mr Robert Wodrow, now in the possession of the Church of Scotland.

It has been the object and anxious wish of those to whom the conduct of this work was entrusted, to preserve every fragment of genuine record that could be discovered. For that purpose the historical works of Knox, of Melville, of Spottiswood, of Petrie, of Row, and others, have been carefully examined, and various corrections and additions have been obtained, which, like those from Calderwood, have been invariably indicated by the initial letters of their respective names. In further illustration of the proceedings of the Church, several public documents, taken from the Registers of the Secret Council and other authentic sources, have been introduced at their proper places in the order of time, and will be found to add to the historical interest of these volumes.

In the selection and transcription of nearly the whole of its materials, and in the various researches essential to the successful completion of the work, the Club has to acknowledge its deep obligations to the Reverend William Beattie Smith, A.M., Chaplain to the Garrison of Edinburgh Castle, whose zealous and long sustained exertions could have been prompted only by a deep feeling of interest in the object to which they were directed. That, after all, some things may have escaped his researches, is far from impossible; that some few notices have been introduced which were not strictly within the proper scope of the work, will not escape the observation of a critical reader; but on the whole, it is scarcely to be hoped that a more extensive view of the actual proceedings of

the Presbyterian Church, during the period which it embraces, can now be attained.

It only remains to be stated, that the proper contents of what has been usually entitled the Book of the Universal Kirk of Scotland, may be said to terminate with the General Assembly appointed to be held at Aberdeen in the year 1604; and that the Assemblies which follow, from 1606 to 1618, whose proceedings have been here retained as necessary to complete the historical series, were, on the  
(App. p. XLIX.) restoration of Presbytery in 1638, "condemned, and declared every  
" one of them to have been from the beginning, unfree, unlawful,  
" and null," for reasons which are recorded at length in the Acts  
of that Assembly.

EDINBURGH, *March 1845.*

## A P P E N D I X.

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### I.

#### PROCEEDINGS OF THE GENERAL ASSEMBLY HOLDEN AT GLASGOW, IN THE YEAR 1638. RELATIVE TO THE REGISTERS OF THE CHURCH.

Sessio 3<sup>ta</sup>. November 26. 1638.

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THEN the voices of the haill Assemblie wer craved anent the election of a Clerk, and Mr Archibald Johnstoun wes chosin be the universall consent of all except one, and wes admittit Clerk vnto the Assemblie ad vitam, and vnto all the richtes, fies, and priviledges perteyning to ane Clerk off before, to be exteddit at large; who, after the acknowledgement of the weichtines of the charge, and his insufficiencie for it, imbraced it, as haveing a calling from God and the honourable Assemblie. The Moderator desyred to be informed, if amie more wes requisite for his admissioun, bot a solemne oath of his fidelicie and diligence. Mr John Row ansuered, Nothing farder, but that he shold bring forth, keip and preserve the Registers of the Church, at leist so manie as sall come in his bandis, seing pitiful experiance could shew how these Registers had been marred in former tymes. Then Mr Archibald gave an solemne oath of his fidelicie and diligence and conscious keeping and use making of all Registers; and documents was taken of his acceptance and admission. The Moderator said, that the books and acts of all former Assemblies should be produced and putt in Master Archibald's hands. Mr Thomas Sandilands ansuered, that he had receaved no Registers from his father, but onlie two booke containing some Acts from the year 1590, till the Assemblie at Aberdeen holden *anno* 1616, which therein is onlie begunne, with the minuts of the acts of the said Assemblie of Aberdene in a paper apart, with the

minutes of Sanct Androis following 1617, with the acts of the Assemblie at Perth subscribed by Mr James Sandilands, and delivered the samen to the Assemblie : and being posed for the rest of the Registers, answered, in his fathers name, that hee had gotten these two from the bischop of Sanct Androis, and had never receaved any more neither from him nor from the Assemblie nor from any other. The Moderator craved, that all the Registers might be had and brought forth from the hand of any clerk or haver of them, affirming that these bookees had in them matters of greater weight then all other evidents of Land &c. ffor they were the Kirk of Scotlands Magna Carta, containing all her priviledges and liberties since the Reformation. Hee wished also, that this Assemblie shold not be depryved of so powerfull a meane of informatione, for proceeding in matters to be handled there. The former clerks sone affirmed, that he had destroyed name of these books. The Moderator urged the production of these books, and desired the Commissioner to take course for it. The Commissioner answered, that hee was willing to use any good meane that could be used for the productione of these bookees, if any could shew in whose hands they were; for (said he) I desire not that any Register shold be absent, but above all the Kirk Registers. My Lord Rothes said that, by a warrant from King James, the Bookes were taken from Mr Thomas Nicolsone and the last elerk, and putt in the hands of the pretended Bisshop of Sanct Androis, and soe of neid-force a course must be taken for getting of these bookees from the Bisshop. Mr Archibald Johnstone said that, in Gods providence, als many bookes were come in his hands as could be able to make up a perfite Register of the whole affaires of the kirk from the Reformatione untill this day; which bookees he produced on the table and declared by whom and what meanes they were come into his hands; to witt, Mr Robert Winrahame, depute Clerk under Mr Thomas Nicolsone, and from him to Alexander Blair, of which bookees there are five volumes in folio; but Mr Patrick Adamsone, Bischope of Sanct Androis, rent one of them, and there are yet four to the foir of them written by Mr James Ritchie and Mr Thomas Nicolsone, whereof the first two containes the Acts of Assemblie from the year 1560 to 1572, subscribed by John Gray, Clerk to the Assemblie : The third volume fra 1586 till 1590, written and subscribed in the margine by Mr James Ritchie, Clerk to the said Assemblie : The fifth booke, being ane great volume of the Acts of the Assemblie fra the year 1560 till 1590, (whereof he had but ane lea from an minister:) Whereof the first four volumes, the said Mr Archibald declaired that he had receaved them from Alexander Blair, Wreater, who was servand, and succeeded in the place of Modifications of Stipends to Mr Robert Winrahame, who had a deptonation from Mr Thomas Nicolsone. Clerk to the Generall Assemblie.

The Moderator said, These are good and comfortable newis unto the Churche of Scotland, that a perfect Register of the Acts of the Assemhlies are yet to the foir; and that it was needful that course be taken for tryell of these bookees, whether they be these same bookees written by the clerks or be their deputies, or copies onlie of these bookees. It was answered by the clerk, that they are the same, written and sub-

scribed by the clerks owne hand ; and the leaves riven out of ane of them by the Bis-chop, from the 22d to the 27th leaffe, may yet be knownen by the merkit number of the leafis. The first Clerk wes Mr Johne Gray, who subscribed everie Assemblie with his hand. The next is also subserwyed, and an memorandum on the first leaff of it, where Mr Archibald Huntar passed to the Chancellor Maiteland and receaved that volume and this uther, and the half of that which was rent by Bischope Adamsone ; . . . . . The third booke, the first act of it is the election of Mr James Ritchie, Clerk, which booke is all of one hand writh. The one booke is from the 60 to the 70 year. The next from the 79, wherein the Bischop of Sanct Androis is censured and excommunicat. And now in Gods providence there is in the present clerks hands, a perfite Register from the 70 year to this last Assemblie, for which all of us have reason to praise God. The com-missioner said, See that wee build on an sure foundation, and try well that these bookees be authentick. The Moderator craved, that some judicious men, and skilid in dig-noseing handwrittis, might be nominat for tryell of these bookees; and intreated the Earles of Lauderdaill, Southesk, and Argyle, to take inspection of the bookees. Ar-gyle obiectet his youth and unskillfulness for so weightie a charge, yet at com-mand of the Commissioner he declaired his willingness to assist the worke. The Com-missioner said, that if his owne paines could contribute any thing to the furtherance of the worke, he would be ready to sitt upp day and night, but would not lay that burthen on his Assessours ; for, said he, seing it is refused that they should be members of the Assemblie, hee saw not how they could be appointed for trying of these Registers. The Moderator answered, Wee are hopeful that their Lordshipps will not refuse to further the good of this Assemblie, seing it is said here it is not for want of due respect wee owe to their Lordshipps, but onlie for preservation of the Kirks liberties as said is. The Commissioner said, I cannot see how these that are not granted to be members of this Assemblie, can cognosce bookees containing matters of so great weight. The Moderator answered, that they can best judge. The Com-missioner said, but I cannot consent unto it : Therefore the Moderator said, let the skilliest of the clerks of Sessione, counsell and burrow clerks, such as the Laird of Durie, the clerk of Dundie, Mr Alexander Pierson, Advocate, be conjoined as their assessours, to help them of the ministerie, Mr James Bonar, Mr John Row, Mr Andro Ramsay, Mr Wm. Livingstowm, Mr John Adamson, Mr Robert Murray.

Mr John Row ansuered, that he had yet in his hands the Booke of the Kirk Policie, subserwyed by Mr James Ritchie, clerk, which will serve to dignose the hand writh. Mr Archibald Johnstone said, hee had the principall Book of Policie, written in Lum-bard paper, in his hand, which also would conduce to that end; this being judged to be the fittest way for tryall of the Registers of the Kirk, and makeing them to be authentick.

## Sessio 5. November 26. 1638.

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The Moderator then said, It is now expedient that the suffieience of the Kirk Registers be cleared, that they may be declaired authentick. The Commissioner answered, it is a good work; but I have some scruples not yet removed. Then said the Moderator, let some be appointed for tryell of the Registers; for the Assemblie being now fullie constitut, after the examination of all controverted commissions, may give them commission for tryell of the Registers, and let their testimonie aenent the perfection of the booke be given in the morne. The Names of the Committee, Mr Andro Ramsay, Mr John Adamsone, Mr John Row, Mr James Bonar, Mr Robert Murray, Mr Alexander Gibsone younger of Durie, Mr Alex<sup>r</sup> Wedderburne clerk of Dundie, Mr Alex<sup>r</sup> Piersone Advocat, with such others as they please to joyne with themselves.

## Sess. 6. November 27. 1638.

The Moderator said, Let us beginne where we left at the tryell of the Records of Assemblies. There was a Committie appointed yesternight to give in their testimonie aenent the authentienes of the Registers. If it please your Grace, let their ansuere be heard. The Commissioner having assented, the Moderator called upone these who were appointed for the examination of the Registers to reporte their testimonie. Durie said, Please your Grace and this reverend Assemblie, wee shall either give in our reasones be word or in writh. The Commissioner said, I desire to heare you give them in any way you please. Then the reasones of the authenticknes of the Registers were given in in writh and read by the clerk.

The Moderator said, please your Grace, heir is the testimonie of these that have skill in trying the Registers better nor any here present; hes your Grace gotten satisfaction. The Commissioner answered, verilie it is a matter of very great importance, and there shall be no man more glad nor I to see the Registers of the Kirk fund reall and proven to be authentick. I am far from contradicting any thing that these worthie gentlemen hath done, for it were impertinent soe to doe. I can say nothing at the first hearing of a paper read, but it may be that many seruples come in my mynd concerning them, yea I have alreadie wherof I am not resolved. This is the first time that ever I heard it read, and therefore I cannot give my judgment of it. I must confesse my ignoranee in thir things, and therefore I must be verie loath to give my assent or approbation to any thing wherein I am not both cleare and persuaded. The Moderator said, hes your Grace any seruples to propone for the present. The Commissioner

said, I must think upon it before I propone them. The Moderator said, I would desire this reverend Assemblie, that if there be any here, noblemen, gentlemen, or ministers, that if they have any thing to say against this information concerning the authoritie of the Registers, that they would propone them either now by word, or in a short time by writt, that this Assemblie may make a declaration that they ar authentick, and if no objection be made against them, wee will take your silence for an approbation of their authoritie: if you have anything to say, bring it forth presentlie, if not, produce it in writt against the morne. The Commissioner said, I am verie confident that that is not the Regents hand writt. Durie answered, if it was not his hand writt it would have *sic subscriptitur* as all other copies use to have. I will not affirme that everie reasone given in for proving the authoritie of the books is unquestionable good; but que non prospunt singula, multa juvant. I daire say this farre: all the Registers of Sessione, counsell, and prime judicatories of this Kingdome are als farre short of the Registers of the Kirk, as these Registers are short of these things treated here. The Commissioner said, truelie, Sir, I cannot but acknowledge that these reasones hath cleared verie much, and verilie they have removed many scruples that I myself had before the hearing of them, soe that I will not contradict them; but I still doubt if that subscription be the Regents hand. Moderator said, If there be any brother that hes any coppie of James Ritchie, or John Gray, Clerks to the Assembly, their hand writt, lett them produce them to give furder informatioun, or confirme this informatioun, for possiblie some minister or other hes some record that may give testimony and approbation to this hand writt. Then M<sup>r</sup> Johne Row produced an coppie of severall acts, and of the Booke of Policie, written by the said M<sup>r</sup> James Ritehie, and subscrived with his hand, and other brethren of the presbitrie, which hee had kept him selff now fiftie-two years; and the hand writt of the Assemblie Booke, and the copies being compared and seene by the Commissioner himselffe, they were acknowledged to be ane hand writt. The Moderator said, if any man have anything to oppose against any of these bookees, let him now bring it forth, that an act may be made: for if no man produce anything, they will be acknowledged by this Assemblie to be authentick hereafter.

Sess. 7. November 28. 1638.

The Moderator said, wee left at the testimonie whieh was given by skilled men, who were appointed for trying of the Kirk Registers, and their testimonie was read in your hearing, and wee requested all to bring in this day their obiections and scruples concerning these Registers; now wee crave that [any] one who pleases would obiect: for if no man obiect, ane act or record will be insert in the Bookes of the Assemblie, declairing that these books are authentick. The Commissioner said, no man here shall have greater joy nor I to see the Registers of the Kirk perfyte; and no man sall contribute more to it than I, being a matter of so great importance and weight; for upon the Acts sett down in these Books very much depends. But because yee have heard

## APPENDIX.

many objections made be the Lords of Clergie and their adherents against the legalitie of the proceedings of this Assemblie, I am tyed yet to say somewhat; and I am sorry that I must protest against that in word, which my heart desires not. Sore greaved I have reason to be to protest against soe good a work as is the restoring of the Kirk to her Records; yet considering my many causes, whiche now I will not expresse, I am forcit to protest against it. For albeit these Books may be found authentick by the consent of this Assemblie, yet may I do nothing which may import either his Majesties assent to it or myne; and therefore here I make protestation against it. The Moderator said, wee onlie crave the Assemblies approbation; and if the pretendit Bischops, or any other, will take upon them to improve these Bookes, or any part of them, they salbe heard. It is pittifull that there shoulde be such a fearfull rent in our Church, and that any pointe of the cause of it shoulde be impute to auctoritie, if wee consider what a sweet unitie was once in this Kirk;—to cleare this unitie, I will read a testimonie out of the Preface of the Booke, called the Harmonie of the Confessionn of the Reformed Kirkes. After the reading of it in Latine, he expounded it, shewing the rare priviledges of the Kirk of Scotland beyond other Kirkes: that for the space of 54 years, it remained in puritie of doctrine and discipline without any errore or schisme; and gave a reason of it, because the Kirk of Scotland was reformed in doctrine and discipline according to the word of God: so it is cleare this Kirke once had unitie; and it is cleare also by what meanes and instruments schisme hes come in. The Commissioner said, I pray God this Kirk may injoy that purtie 40,000 years more, if the world shuld indure so lang; yet I must protest in more pathetick wordes against the auctoritie of these bookees, (for I did it in modestie before.) Albeit, I would give my estate, and venture my life, in furthering the Church to be restoired to her Registers; but becausse of the manifold exceptiounes I gave against the way of the meeting of this Assemblie, and against sundrie personnes which are members of it, I protest heir, that neither the Kings Majestic nor the bischops be wronged by any act in these books; and that they are not oblist be the acts of any book, whiche is not subscryved be the clerk of Assemblie. My Lord Rothes said, your Graec promised to propone some scruples against these bookees, wherein your Graec was not yet satisfied, which wee desire to heare; for they are found of all who have tryed them, comparatively authentick, and otherwayes also. The Moderator said, wee are sure if his Grace had perused these bookees, hee would approve them also. The roll being called be the elerk, the Moderator asked if the Bretherene did approve the Registers, who answered, that they did; and desires that the reasons of the approbations might also be insert in the Bookes of Assemblie; and that there was not any protestation made by his Majesties Commissioner. They desired also that the Bischop of Sanct Androis might be summoned for the productioun of these bookees whiche are wanting.



## ACT APPROVING THE REGISTERS.

Anent the report of the Assemblies judgement of the authority of the books of Assembly; The Moderatour having desired that if any of the Assembly had any thing to say, they would now declare it, otherwise they would hold all approuen by the Assembly.

The Commissioner his Graece protested that the Assemblies approving these books, or any thing contained in them be no wayes prejudicall to his Majestic, nor to the Archbishops and Bishops of this Kingdome, or any of their adherents; because he had some exceptions against these books. My Lord Rothes desired these exceptions to be condescended on, and they should be presently cleared, and protested that these books should be esteemed authentick and obligatorie hereafter.

The whole Assembly all in one voiee approved these books, and ordained the same to make faith in judgement, and out-with, in all time comming, as the true and authentick Registers of the Kirk of Scotland, conforme to the testimonie subscribed by the Committie, to be insert with the reasons thereof in the books of Assembly: Whereof the tenour followeth.

WE under-subscribers, having power and commission from the Generall Assembly now presently conveened, and sitting at Glasgow, to peruse, examine, and cognosce upon the validity, faith, and strength of the books and registers of the Assembly under-written, to wit: A register beginning at the Assembly holden the twentie day of December 1560, and ending at the fourth session of the Assembly holden the 28. of December 1566.

Item another register beginning at the Generall Assembly, holden the second day of June 1567, and ending at the fourth session of the Assembly holden at Perth the ninth day of August 1572, which register is imperfect, and mutilate in the end, and containeth no leaf nor page, after that page which containeth the said inscription of the said fourth session, which two registers bears to be subscribed by Iohn Gray, scribe.

Item a register of the Assembly holden at Edinburgh the seventh day of August 1574, and ending with the twelfth session, being the last session of the Assembly 1579.

Item another register beginning at the Assembly holden at Edinburgh the tenth of May 1586, and ending in the seventeenth session of the Assembly holden in March 1589.

Item another register being the fifth book, and greatest volume, beginning at the Assembly holden in Anno 1560, and ending in the year 1590.

Having carefully viewed, perused, and considered the saids registers, and every one of them, and being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our conscience declare to the world and

this present Assembly, that the saids foure registers above expressed, and every one of them, are famous, authentick and good registers: whielh ought to be so reputed, and have publick faith in judgement and out-with, as valid and true records in all things: and that the said fifth and greatest book, beginning at the Assembly 1560, and ending 1590, being margined by the hand-writs of the Clerk, and reviser of the registers, cognoseed, and tryed, and agreeable to the other foure registers, in what is extant in them, ought also to be free of all prejudice and suspicion, and received with eredit. And in testimony of our solemne affirmation, we have subscribed these presents with our hands.

Sic subscriptur.

Master Andrew Ramsay.  
Master John Adamson.  
Master John Row.  
Master Robert Murray.  
Master Alexander Gibson.  
Master James Boner.  
Master Alexander Peerson.  
Master Alexander Wedderburn.

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REASONS PROOING THE FIVE BOOKS AND REGISTERS PRODUCED BEFORE THE  
ASSEMBLY TO BE AUTHENTICK.

The books now exhibited unto us under-subscribers, which we have revised and perused by commission from the Generall Assembly, are true registers of the Kirk: to wit, Five volumes, whereof the first two contain the acts of the Assembly, from the year of God 1560, to the year 1572. all subscribed by John Gray, Clerk. The third from the year of God 1574, to the year 1579. The fourth from the year of God 1586, to the year 1589. At which time Master James Richie was Clerk, who hath frequently written upon the margine of the saids two last books, and subscribed the said margine with his hand-writing. And the fifth book being the greatest volume, containing the acts of the Generall Assembly, from the year of God 1560, to the year 1590, which agreeith with the foresaids other foure books and registers, in so far as is extant in them, and further recordeth what is wanting by them, passing by what is mutilate in them, and which with the two volumes produced by Master Thomas Sandilands from the year 1590, to this present, maketh up a perfect register.

I. For the first two volumes subscribed by John Gray, albeit it be not necessar in such antiquitie to proove that he was Clerk, seeing he designs himself so by his subscription, yet the same is made manifest by an act mentioned in the third book, in the time

of Master James Riehie, who succeeded him in the said office, and his hand-writ was acknowledged by sundry old men in the ministry.

II. The uniformitie of his subscriptions through both volumes, evident by ocular inspection above the ordinarie custome of most famous Notars, delivers the same from all suspicion, in faeto tam antiquo.

III. There be many coppies, specially of generall acts, yet extant, which do not de-bord from the saids registers, but are altogether agreeable thereto.

III. It is constant by the universall custom of this Kingdome, that all registers are transmitted from one keeper to his successour, and so comming by progresse and succession from the first incumbent to the last possessour, are never doubted to be the registers of that judicatore, whereof the last haver was Clerk; and therefore it is evident, that these books comming successively from John Gray, Master James Richie, and Master Thomas Nicolson, who were all Clerks to the Assembly, into the hands of Master Robert Winrame, who was constitute Clerk depute by the said Master Thomas Nicolson (as his deputation here present to show, will testifie) are the undoubted registers of the Assembly: like as Alexander Blair succeeded the said Master Robert in his place of Clerkship to the assignations and modifications of Ministers stipends; and during Master Robert his life-time, was his actuall servant, and so had the said books by progresse from him, which the said Alexander is readie presently to testifie.

V. The two registers of Master James Richie, albeit not under his own hand, yet are frequently margined with his own hand-writ, and the same marginall additions subscribed by him, which hand-writ is seen and cognosced by famous men, who knoweth the same, and is evident, being compared with his severall writings and subscriptions yet extant.

VI. The saids registers are more perfect, lesse vitiated, scored, and interlined, than any other authentick and famous registers of the most prime judicatories within this Kingdome.

VII. Master Thomas Sandilands, in name of his father, who was late Clerk by dimission of Master Thomas Nicolson, hath produced a volume, which prooveth the saids two registers of Master James Richie to be sufficient records; because that same volume is begun by that same hand, whereby the said Master James Richie his registers are written, and is subseribed once in the margine by Master James Richie his hand, and is followed forth, and continued in the same book by Master Thomas Nicolson, who succeeded him in the placee, and was known by most men here present to be of such approven worth and credit, that he would never have accomplished a register which had not been famous and true: and whereof the hand-write had not then been known to him sufficiently.

VIII. That Register produced by Mr Thomas Sandilands, and prosecuted by Master Thomas Nicolson, proves the first part of that register to be true and famous, and that first part being by ocular inspection of the same hand-writ, with Master James

Richies registers, and subscrived in the margine with the same hand-writ, proveth Richies two books to be good records, and Richies registers doth approve Grays books by the act of Assembly before written: specially considering the same hath come by progresse and succession of Clerks, in the hands of Alexander Blair, now living, and here present.

IX. The compts anent the thirds of benefices between the Regent for the time, and the Assembly, in the second volume, page 147, are subscrived by the Lord Regents own hand, as appeareth: for it is a royll-like subscription, and there is no hand writ in all the book like unto it, and beareth not Sic subscrabitur, which undoubtedly it would do, if it were a coppie.

X. Master James Carmichell was commanded by the Generall Assembly 1595, Sess. 9. in the book produced by Master Thomas Sandilands. to extract the generall aets forth of their books; and it is evident that these books are the same whiche he perused for that effect, because he hath marked therein the generall acts with a crosse, and hath designed the act by some short expression upon the margine, which is cognosseed and known to be his hand-writ, by famous and worthy persons: which is also manifest by the said Master James his band and subscription, written with his own hand in the last leafe of the said books; as also acknowledged in the said book, produced by Master Thomas Sandilands, wherein the said Mr James Carmichell granteth the receipt of these, with some other books of the Assemblies.

XI. The registers produced, are the registers of the Assembly, because in Anno 1586, the Assembly complaineth that their registers are mutilate: which hath relation to Richies third book, which is lacerate and mutilate in divers places without any interveining of blank paper, or any mention of hie deest.

XII. If these were not principall registers, the enemies of the puritie of Gods worshiپ, would never have laboured to destroy the same: which notwithstanding they have done; as appeareth by the affixing and battering of a piece of paper upon the margine, anent a condition of the commission not to exceed the established discipline of this Kirk, subscribed by the Clerk, book 3, page 147. And the blotting out the certificatione of the excommunication against Bishop Adamson, book 4, page 30, who in his Recantation generally acknowledgeth the same: but which, without that recantation, cannot be presupponed to have been done, but by corrupt men of intention to corrupt the books, which were not necessary, if they were not principall registers.

XIII. In the Assembly 1586, the Chureb complained upon the Chancelour his retention of their registers, and desired they might be delivered to their Clerk, which accordingly was done: as a memorandum before the beginning of the first book, bearing the redeliverie of these fourre books to Master James Richie, Clerk, properteth; whiche clearly evineth that these fourre books are the registers of the Assembly.

XIII. The said fifth book and greatest volume, is also marked on the margine, with the hand-writ of the said Mr. James Carmichell (which is cognosseed) who was appointed to peruse the books of the Assembly as said is, and would not have margin-

ed the same by vertue of that command, nor extracted the generall aets out of it, if it were not an approbation thereof, as an authentick and famous book.

XV. The said fifth volume doth agree with the other foure books, in all which is extant in them, and marketh the blanks, whieh are lacerate and riven out of the same; and compleateth all what is lacking in them.

XVI. In the book of Discipline pertaining to Master James Carmichell, subscribed by himself, and Master James Riechie, there are sundry acts and passages quotted out of the said fifth great volume, saying, It is written in such a page of the book of Assembly, which agreeth in subjeet and quotations with the said fifth book, and cannot agree with any other; so that Master James Carmichell reviser of the Assembly books, by their command, would not alledge that book, nor denominate the same a book of the Assembly, if it were not an authentick famous book.

XVII. Though the corrupt nature of man hath been tempted to falsifie partieular evidents, yet it hath never been heard that any whole register hath ever been counterfeited; neither can it be presupposed that any will attempt that high wickedness, seeing the inducements answerable to that erime, can hardly be presupposed.

XVIII. It is certain, and notour to all these who are intrusted with the keeping of the publike records of the kingdome, that the same are never subscribed by the Clerk, but only written and filled up by servants, and most frequently by unknown hands, yet they and the extracts thereof make publick faith, and the same are uncontrovertyedly authentick registers; and when the most publike registers of the kingdome shall be seen, and compared with these registers of the Assembly, it shall be found that these other registers of the most soveraigne judicatories ever unsubscribed are more incorrect, ofter margined, scored, and interlined, made up by greater diversitie of unknown hand-writs, than these books of the Assembly, which by speciall providence are preserved so intire, that in the judgement of any man acquainted with registers, they will manifestly appear at the very sight to be true, famous, and authentick.

XIX. The fame and credit of ancient registers in this kingdome, is so much reverened, that if any extract be different or disconforme from the register, that extract, albeit subscribed by the person who for the time had been of greatest eminence in the trust of registers, will be rectified, conforme to the register, and have no force, so far as it debordeth there-from; although the registers be written with an obscure, unknown hand, and unsubscribed.

## II.

IN THE GENERAL ASSEMBLY HOLDEN AT EDINBURGH, A.D. 1639.

Sess. 18. 26. August 1639.

ACT APPROVING AN OLD REGISTER OF THE GENERALL ASSEMBLY.

The whole Assembly (upon the report made to them anent the old Register of the Assembly, gotten from Master John Rig) All in one voice approved the said Register, And ordained the same to make faith in judgement, and out-with, in all time coming, as a true and authentick Register of the Kirk of Scotland, conforme to the testimonie subscribed by the Committee, to be insert in the Books of Assembly: whereof the tenor followeth :

WE under-subscribers, Forsameikle as the late Generall Assembly holden at Glasgow, gave power and Commission to us, To peruse, examine, and cognosce upon the validity, faith, and strength of the books and Registers of the Assembly, particularly set down in the Commission given to us thereanent: According whereunto we did carefully view, peruse, and consider the saids Registers, and gave our testimony thereof under our hands, of the validity and sufficiencie of the samine, to the said Generall Assembly. And now having a new Commission given to us from the Generall Assembly now presently conveeneed and sitting at Edinburgh, To peruse, examine, and cognosce upon the validity, faith and strength of another Register of the Assembly, which was not set down and recommended to us by the said former Commission, which Register beginneth at the Assembly holden at Edinburgh the sixth day of March 1572, and endeth at the Assembly likewise holden at Edinburgh 1573; We have carefully viewed, perused, and considered the said Register: And being deeply and maturely advised, as in a matter of greatest weight and consequence, do attest before God, and upon our consciences declare to the world, and this present Assembly, That the said Register above exprest, is a famous, authentick, and good Register, which ought to be so reputed, and have publike faith in judgement and outwith, as a valid and true Record in all things, And finds the same to be of the same hand-writ, and subscribed by the same Clerk of the Generall Assembly, as divers of the said other Registers (formerly perused by us) are. And in testimonie of our solemne affirmation we have subscribed these presents with our hands, at Edinburgh the day of August 1639.

## III.

EXTRACTS FROM THE PROCEEDINGS OF THE COMMISSION OF THE GENERAL ASSEMBLY  
1651.

Perth, 4 Jan<sup>ij</sup>. 1651. Ante meridiem.

## ACT CONCERNING THE SECURING OF THE REGISTERS.

The Commission of Assembly being desyred by my Lord Register in his letter, and by the Clerk, to consider what they thought fitt to doe with the Registers of the Kirk, which for securitie were putt in the Castle of Edinburgh, seing that hold was now surrendered to the Enemie: And they having taken it into consideration, doe appoynt the Clerk with all diligence to bring the Registers over to this syde of the water, that they may be once out from the enemies hands: And thereafter that he, with advyse of the Moderator and the Lord Register, take some course for their securitie and preservation in this tyme of danger; committing it to their special care; and that report be made thereof at the next meeting. (Minutes, p. 160.)

(LETTER FROM SIR ARCHIBALD JOHNSTON, LORD CLERK REGISTER,  
ABOVE REFERRED TO.)

RIGHT REVEREND,

The parlment commands me to taise their Registars to Stirling Castel, tho I think they would be saifer in Dumbarton Castel, or in the Basse, provyding they be weal garrisoned and victualled. I desyre to know the advyse of the Commission whair to putt the Registers of the Kirk, as may lead most to their preservation and my exoneracion: so leaving all vther things to the bearer, I rest, your humble servant,

A. JOHNSTON.

Edinburgh, 30th December [1650.]

To the Right Reverend Mr Robert Douglas, Moderator of the Commission of the General Assemblie, at Perth.

Sanct Androis, 24 Ja<sup>r*ij*</sup> 1651. Post meridiem.

ACT FOR SECURING THE REGISTERS.

The Commission of the Generall Assembly vnderstanding by the Clerk that the Kirk Registers which were in the Castle of Edinburgh, were now brought to this side of Forth, according to a former order; and that it is the earnest desire of the Lord Register by his letter, and of the Moderator and Clerk, to whom the care of seuring them was committed at the last Meeting: That now the Commission would themselves prescryve what they thought fitting to be done for their security and preservation in this tyme of danger: Therefore they doe appoynt them to be putt in the Basse, to be preserved there; and the Laird of Wauchton, to whom that strength belongs, being personallie present, most gladdie offered to receave them, promissing his outmost care to secure and preserve them from all danger. (Minutes, p. 212.)

FALKLAND. 23 Aprile 1651. Post meridiem.

ACT FOR THE KIRK REGISTERS.

The Commission of Assembly having heard by the Clerk, that according to their former order, he had putt the Kirk Registers in the Basse; onlie the great volume, which is a double of sundrie of the old Registers, he had not putt there by the advise of the Lord Register, conceaving it was more fitting, sieing it was a double, and made an authentick Register at Glasgow, that it should rather be putt in some other sure place, than to be kepted in the same place with the remanent books and registers. The Commission of the Assembly being verie glad and well satisfied that the Registers were now, in this time of trouble and danger, in the Basse, doe approve well thereof, and of the advice given by the Lord Register, and the course taken by the Clerk, for keeping that great volume, which is an authentick double of the Acts of diverse Assemblies, from the remanent Registers, to be putt in some other sure place: And do appoynt the Clerk to putt the same in Dunottar, to be kepted there safely: And that the Moderator speake or writt to the Earle Marschall, that his Lordship may be pleased to give order for reccaving and securing thereof in that place carefullie. (Minutes, p. 317.)

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## IV.

EXTRACTS FROM THE PROCEEDINGS OF THE SYNOD OF LOTHIAN AND TWEEDDALE,  
1593—1595.

AT THE SYNOD OF LOTHIAN AND TWEEDDALE, HELD AT DALKEITH, 3 APRIL 1593.

Sess. 3<sup>da.</sup> iiiij Aprilis 1593.

TRYELL OF THE PRESBYTERIE OF HADINGTONE.

Item being accusit that sum of thair brether, and in speciall, Mr James Carmichel, had nocht made the exerecis sen the last Assemblie, answerit: That Mr James was continewellic burthenit with the common cause of the kirk, quhairmto be the kirk he was employit. The Assemblie, (i. e. The Synod) finding his imployment in the common turnis to haif drawin him away from the discharge of his awin calling, discharginis the said Mr James of the samin, and ordains that he awaitt vpon the cure of the kirk of Hadingtone.

Ordanis Mr James Carmichel to collect the Aets of the Generall Assemblie, that euerie brother may haif the copie of thame.

AT THE SYNOD, &c. AT EDINBURGH, 2D OCTOBER 1593.

Sess. 3<sup>da.</sup> 3 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining Mr James Carmichell, according to his promeis, to collet the Acts of the Generall Assemblie, that euerie brother may hawe the copie of thame: And the brether of that Presbyterie [of Hadingtone] reporting that thai understand Mr James to be diligent in that wark, it is ordanit that thai trawell with the said Mr James to perfyte the wark.

AT THE SYNOD, &c. AT DUNBAR, 3D APRILIS 1594.

Sess. 3<sup>da.</sup> 3 Aprilis.

Anent the ordnance maid in the last Assemblie, ordaining the brether of the Presbyterie of Hadingtone to trawell with Mr James Carmichell, for collecting the Acts of the Generall Assemblie: According heirunto the said brether declarling that thai had trawellit with the said Mr James, quha had the said Acts in reddines: It is ordanit that he present thame to the Presbyterie of Edinburgh.

## AT THE SYNOD, &amp;c. AT EDINBURGH, OCTOBER 1594.

Sessio 3<sup>ta</sup>. 2 Octobris.

Anent the ordnance maid in the former Assemblie, ordaining thair brother Mr James Carmichael according to his promeis to have the extract of the Acts of the General Assemblie and to present thame to the Presbytrie of Edinburgh. According herevnto the said Mr James declarraig that the said Acts wer in reddines gif he had the help and assistance of a wryter to help him in the wark. The Assemblie appointis the brether Thomas Greg and Daniel Wallace to assist and help the said Mr James in vryting and thairefter that the said Mr James present the said Acts to the Presbytrie of Edinburgh betuix and Februar nixt.

## AT THE SYNOD, &amp;c. AT MUSSILBURGH, APRIL 1595.

Sessio 3<sup>a</sup>. 2 Aprilis.

Anent the ordnance maid in the former Assemblie ordaining Mr James Carmichell to perfyt the wark begun be him concerning the extracting of the Acts of the Generall Assemblie. According heirvnto the said Mr James declaring that he had perfytit twa warks, the thrid remanit, quihilk he producuit before the Assemblie. Quihilk being sichtit, It is ordainit that he do quhat lyis in him to perfyte the haill wark betwix and the nixt Generall Assemblie, and for this purpos the brether appointit in the former Assemblie to assist him in vryting.

## AT THE SYNOD, &amp;c. AT EDINBURGH, OCTOBER 1595.

Sessio 4<sup>a</sup>. (9 October.)

Anent the ordinance maid in diuers assemblies of before ordaning thair brother Mr James Carmichell to perfyte the wark begun be him concerning the extracting of the acts of the Generall Assemblies. Acording heirvnto the said Mr James being inquyrift quhat he had done in the sail wark, declarraig that as yet he had not perfytit the same, the Assemblie desyritt that he wald do quhat lay in him to perfyte the same : and hes appoyntit thair brether Thomas Greg and Daniel Wallace to help him in vryting.

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## V.

EXTRACTS FROM THE PROCEEDINGS OF THE SELECT COMMITTEE OF THE HOUSE OF  
COMMONS ON CHURCH PATRONAGE, 1834.Mercurii, 23<sup>o</sup> die Aprilis, 1834.

*Resolved*,—That Mr. A. Johnston, the Reverend Dr. Lee, the Reverend Dr. Welsh, Mr. James Chalmers, of London, and the Reverend Principal Macfarlane, be requested to proceed to Sion College, London Wall, for the purpose of inspecting the books presented to the trustees of that College by the late Mr Campbell, and to report to this Committee if in any or in what degree, these books afford information connected with the inquiry on Church Patronage in Scotland.

(signed)      *Geo. Sinclair*, Chairman.Veneris, 25<sup>o</sup> die Aprilis, 1834.The Rev. *John Lee*, D.D., again called in; and examined.

Since I had formerly an opportunity of giving evidence before the Committee, I have had access to the Records of the Church of Scotland in Sion College, London, and I am fully satisfied that those volumes (which I am quite certain are authentic records) contain a great mass of information in a more complete and certainly in a more correct form than anything that has been exhibited in any of the publications upon the subject which I have ever seen. In particular, I may state that there are some of the proceedings of the Assembly, or rather Convention, of 1562, which have for at least 100 years been a matter of dispute; one entry has been quoted by several authors with relation to the Bishop of Galloway, Mr. Alexander Gordon, who, it is said by Calderwood, was refused admission to the office of superintendent because he had not observed the order of calling superintendents, and in the meantime was required to subscribe the Book of Discipline. That any such order was communicated to him has been strongly denied by some of the controversial writers upon the subject, and not without reason, because the book, which in Scotland was looked upon as the transcript of an authentic record of the Church, does not contain any such fact.

At the same time, I may now state with confidence, that this particular is inserted in the Record of the Church, though not by any means in the form in which it has been quoted by different writers. I perceive that there are other entries on the same subject which are much more detailed in those volumes than they are in any of the books in the possession of the Assembly; but from the short time during which I had an opportunity of inspecting the volumes, I cannot be expected now to furnish any particulars of importance. I merely refer to these books as sources from which authentic information may be derived.

At what period does the date of that book commence, and to what period does it extend?—It consists of three volumes; the first begins with the first General Assembly of the Church of Scotland in 1560, and ends in the year 1589; it contains nearly 1,300 pages, each of which is more crowded with matter than a page of this book which I now hold in my hand, and the number of pages in this book, extending to the same period, is about 380. The second volume begins with the year 1590 and ends in March 1596, or according to our present computation, 1597. The third begins with May 1597, and ends in August 1616. These books embrace the whole period between 1560 and 1616. Here is an abstract of the contents of the whole books made before they were deposited in Sion College; it contains a fac-simile of the manner in which the books are attested both at the beginning and end.

Can you produce the Report of the Committee appointed to inspect the books belonging to Sion College?—This is the Report, which I now beg to give in.

[*The Witness delivered in the same, which was read, as follows:*]

London, 24 April 1834.

In obedience to the order of the Committee of the House of Commons on Church Patronage, Scotland, we have this day, within the Library of Sion College, London Wall, inspected three books, in manuscript, bearing to be records of the proceedings of the General Assembly of the Church of Scotland, from 1560 to 13 August 1616. We have also read the deed of agreement, by which said books were gifted by Mr. Archibald Campbell to the trustees of Sion College; and we crave leave humbly to report, 1st, That in our opinion, these Records are the genuine and authentic register of the proceedings of the General Assembly of the Church of Scotland, for the above period; and, 2d, That they contain much information connected with the enquiry on Church Patronage in Scotland.

*And<sup>we</sup> Johnston. John Lee.  
D. Macfarlan. Ja. Chalmers.*

Perhaps I may be allowed to state in addition, that the Committee were at pains to compare the earliest and most important volume with a document which I formerly produced before the Committee, containing, along with other matters, the Book of

Discipline, which belonged to Mr. James Carmichael, minister of Haddington. This document is referred to in the Acts of the General Assembly, 1638, in which the reasons for considering that earliest volume an authentic register are inserted; and not only did the book appear to be in the hand-writing which is stated in the Acts of the Assembly to be at least partly found in it, but it likewise contained passages which are there said to be found in particular pages marked by Mr. James Ritchie, the Clerk of the Assembly. The passage is very remarkable, but it would detain the Committee perhaps to mention it, though if any report is to be given upon the subject it might be material. It is stated in the printed Acts of the General Assembly, 1638, that what is called "the 5th book and greatest volume is marked on the margin with the hand-writing of Mr James Carmichael, which is cognosced, who was appointed to peruse the books of the Assembly, and would not have margined the same by virtue of that command, nor extracted the general acts out of it, if it were not in approbation thereof as an authentic and famous book. In the Book of Discipline pertaining to Mr. James Carmichael, subscribed by himself and by Mr. James Ritchie, there are sundry acts and passages quoted out of the said 5th great volume, saying it is written in such a page of the Book of Assembly, which agreeth in subiect and quotations with the said fifth book, and cannot agree with any other; so that Mr. James Carmichael, reviser of the Assembly Books by their command, would not allege that book, nor denominate the same a book of the Assembly, if it were not an authentic famous book." Now this little volume to which I have referred contains references to pages 839, 873, and 828, all of which on comparison were found to correspond with that earliest record.

Have you any further particulars to communicate collected from the inspection of the books at Sion College?—No, I think that nothing occurs to me, except that the second and third volumes are subscribed in a hand-writing which is well known to me, that of Thomas Nicolson, who was long Clerk of the Assembly; and on a former occasion I had an opportunity of comparing the hand-writing of that individual with the hand-writing which is upon these two volumes.

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*Veneris, 2<sup>o</sup> die Maii, 1834.*

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The Rev. Robert Watts, junior, called in and Examined.

Have you any communication to make to the Committee with regard to the order that was transmitted for sending the books at Sion College to this Committee?—I was directed to give the Committee this paper for their inspection.

## APPENDIX.

[*The Witness delivered in the same, which was read, as follows:*]

At a Meeting of the Governors of Sion College, holden on Thursday, the First day of May 1834;

Present—The Rev. Mr. Burgh, President;

Mr. Bellamy,      } Deans;

Mr. Saunders,      }

Mr. Beresford, Assistant :

The Secretary stated, that he had summoned this court in consequence of the Rev. Robert Watts, junior, Assistant Librarian having received a summons from a Select Committee of the House of Commons on the Patronage of the Church of Scotland, to produce the three volumes of the Book of the Church of Scotland, gifted by the late Mr. Archibald Campbell, and also the deed of gift of the said books.

Upon which the Court took this matter into their consideration; and the deed of gift being read,

It was resolved,

That this Court are extremely anxious to comply with the order of the Committee of the House of Commons, so far as is consistent with the trust under which they hold the books, and are therefore willing that any inspection of them should take place, and that a transcript should be made of the said books by such persons as the Committee may appoint, but that the deed of gift expressly restricts them from parting with the custody of the books themselves.

That the Rev. Mr. Watts, junior, do attend the said Committee to-morrow, and produce to them the deed of gift; and humbly express to them the opinion of this Court, which has been corroborated by that of Sir Nicholas Tindal when solicitor-general; and that this Court trust the Committee will not compel them to part with the custody of the manuscripts, in express violation of their trust.

Have you any thing further to state to the Committee upon this subject?—With regard to the deed of gift, just at the conclusion of it, the Committee will observe, that the copies are directed to be made in the Library; that is the part upon which the directors found their desire not to give them up. It is implied, at least their legal advisers say so, that they are not to let them go out of the Library.

[*The Witness withdrew.*]

The Witness was again called in, and informed that the Committee had resolved that the books should be produced on Monday next.

*Lunæ, 5<sup>o</sup> die Maii, 1834.*

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*The Rev. Robert Watts, Junior, called in, and further examined.*

Will you produce the books which you were ordered to produce on the last occasion?—These are the books.

Will you have the goodness to state what those books are which you produce?—Manuscript Records of the Kirk of Scotland.

How many volumes are there, and of what date?—Three volumes; from 1560 to 1619.

[*The same were delivered in.*]

[*The Witness withdrew.*]

The Witness was again called in and informed, that the Committee wished the books to lie upon the Table for their inspection, and that the Committee would send to him when they wished them to be returned.

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## VI.

THE FOLLOWING LIST OF THE ORIGINAL BOOKS OF THE GENERAL ASSEMBLIES OF THE CHURCH WILL SERVE TO EXHIBIT IN ONE VIEW THEIR DATES AND HISTORY.

1. Dec. 20, 1560 to Dec. 28, 1566. } Produced in 1638 by Warriston.
2. June 2, 1567 — Aug. 9, 1572. } Produced in 1638 by Warriston.
3. March 6, 1572 — March 6, 1573. Produced in 1639 by Rigg.
4. Aug. 7, 1574 — July 1579.
5. July 12, 1580 — Oct. 1583. } Produced in 1638 by Warriston.
6. May 10, 1586 — March 1589. } Produced in 1638 by Warriston.
7. Aug. 1, 1590 — May 17, 1597. } Produced in 1638 by Sandilands.
8. March 7, 1597 — Aug. 13, 1616. }

Of these eight Original volumes, the four recovered by Warriston and produced to the Assembly 1638, viz. the first, second, fifth, and sixth, and that produced by Rigg in the Asssembly 1639, being the third of the series, have not been traced beyond their transfer from the Bass to the Tower of London. Of the fourth original volume, no trace whatever has been found. In the Asssembly 1638, it was evidently conjectured or supposed to be in the possession of Archbishop Spottiswood. The two original volumes, viz. the seventh and eighth, obtained by Sandilands from the Archbishop, and produced to the Asssembly 1638, together with the large duplicate volume, recovered by Warriston, were certainly those ultimately destroyed in 1834.

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## VII.

## DOCUMENTS REFERRED TO IN THE PREFACE, PAGE IX.

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**1.—LETTER FROM MR WILLIAM GRANT OF PRESTON-GRANGE, PROCURATOR OF THE CHURCH, MAY 3, 1733.**

*To the very Reverend Moderator of the General Assembly of the Church of Scotland at Edinburgh.*

REVEREND SIR,

The Commission of the last General Assembly, by their Act of the fourteenth of March last, did appoint me to take a view of a Manuscript of the old Acts of Assembly, and if I judged them true and authentick, to cause the same to be transcribed.

In obedience to this appointment, I have several times view'd the MSS. and conferred with Mr Campbell, the Proprietor of them; but neither can I take upon me to judge whether they are true or authentick, tho' to be copied I think they would well deserve. But the Gentleman insists on other conditions than were at first explained or made known to the Commission, or to me till I saw him here. All therefore that I can do, is to explain as well as I can at a distance, what these MSS. are, and upon what terms we can have the MSS. or a Copy of it; and then the General Assembly may judge what shall be done.

To give you some view of the contents of these Books, which are three Volumes, one greater, and two smaller, and all in Folio, I have employed one to take a note of the several Assemblies, their date of commencement, and number of Sessions, and the time appointed for the meeting of the next Assembly, as oft as that is found in the MSS. And a great part of this Abstract I have myself compared, and corrected by the MSS. itself, and the rest caused to be done by another than the transcriber. He has likewise set down the words prefixed and subjoined to the great Volume, which appears to be signed by A. Johnstoun of Waristoun; and the Title prefixed to the 2d Volume; and the names of Moderators; and the places where subscriptions appear in the MSS. This was the best view that I could think of giving, such as could be sent in a letter. Any account or abstract of the contents or matters of the Acts themselves would have been bulky, and required time to prepare.

The subscriptions appear to me to be true and original. Those of Waristoun to the first Volume I compared with three other authentic Subscriptions of his, fur-

nished by his son the Secretary ; and with these the MSS. agrees, except in the (hon) h\*, which is thus writ in the Book, tho the others have no such tail subjoined ; yet the air and appearance agree together ; and perhaps that singularity was added to his Office-Subscriptions, to distinguish these from his ordinary ones. The other two Volumes are both signed by T. Nicolson ; but I had nothing to compare these with, tho they have likewise the appearance of originals.

Such are these MSS. and upon them the Hon. Mr Archibald Campbell, the owner, sets a very high value ; and declares his resolution, that if he shall not part with them, or publish them in his own lifetime, he will take care that they shall be carried out of this Kinglom, where they cannot be come at, after his decease.

His present Resolutions and demands are these :

That in case encouragement shall be given for printing the MSS. he will then allow it to be copied in order to Publication, and not otherwise.

That the General Assembly shall be at the charge of making a Copy for the Press, which will cost about £30 St<sup>s</sup>.

That being published, the General Assembly may retain the Copy that shall be so made, and collated with the Original ; and shall further have the refusal, or first offer of the Original MSS. itself, they being willing to give him the same price for it, that he can get from any other person.

What will be encouragement sufficient for printing it, you'll see by Mr Millar the Bookseller's Proposal ; and it is in case 300 Subscriptions shall be obtained in Scotland.

At the same time, it is not meant or desired that the Publication should be by authority of the Church, as if these were cognosced and judged authentick Registers ; but merely as the act of the private Proprietor of the MSS.

Mr Campbel thinks, that for the MSS. itself, even after it is printed, he can get a hundred Pounds St.

Thus I have laid before you the ease as it stands, and shall not presume to offer any opinion. The MSS. appears to be valuable, and well worth having, either the Principal, or an Authentick Copy, if it could be had on reasonable terms. And the question to be determined is, Whether the value of this, or the difference betwixt this and such other MSS. as we have already in Scotland, be worth the purchasing on the terms above mentioned.

I am, with great respect,

REVEREND SIR,

Your most Humble and most Obedient Servant,

WILLIAM GRANT.

*London, May 3d 1733.*

\* See fac-simile of Wariston's signature, page XLVI.

2.—PROPOSALS FOR PRINTING BY SUBSCRIPTION—THE ACTS OF THE GENERAL ASSEMBLY OF THE CHURCH OF SCOTLAND FROM THE REFORMATION TO 1616 INCLUSIVE, IN 2 VOLS. IN FOLIO.

- I. This Book will contain about 200 Sheets, and will be printed on a good Paper and Letter.
- II. The Work shall be put to the Press so soon as 300 Copies are subscribed for, and it shall be Published in Six Months after such a number is procured.
- III. The Price to Subscribers to be 2d per Sheet, but as the number of Sheets it will make is uncertain, half a Guinea is proposed to be paid down, and the Remainder on the Delivery of a Book in quires.
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N.B. The Names of the Subscribers shall be Printed before the Work.

Subscriptions are taken in by And<sup>w</sup> Millar Bookseller, against St Clement's Church in the Strand, London: and by Gavin Hamilton, Bookseller in Edinburgh.

3.—MR WODROW'S LETTER ANENT REGISTERS. Oct. 29, 1733.

DEAR SIR,

Yours of 10 did not reach me till the 17. I have carefully perused all the Papers you so kindly send me, and have collated the Table which I see hath 2 or 3 errors in it,—John Hay for George Hay, and some others. The abstract gives some more light; but if it had noticed the first and last words of every Session, it would have afforded much more.

Now I am satisfied, The Record in Mr Campbells hands, is distinct and a different copy from these we have in Scotland: But whether the differences be so considerable betwixt them as to answer the high price he setts on his MSS. I cannot yet judge. Indeed I hesitate much upon it.

Before I come to give you the deffects I observe in my copy, which I suppose agrees very much with that Dr Fraser sent down, and the 5 or 6 others we have, let me observe from the printed Acts of Assembly 1638, p. 3. line last. Fol. edit. that at that time there were many copys specially of General Acts then extant, which they say agree with the Registers which they are proving to be authentick. Of this kind I take our present copys to be. These Acts of general use were appointed to be extracted by Mr Craig and others about 1592: But whether our copys be that extract I cannot say. They seem to be very large, and contean many things as to particular persons, one would think are of no general use.

The observations that offered themselves to me, upon collating the large Abstract

and short Table with my copy are these. The adjournments in the Record are pretty often wanting in the copy. The Moderators alwise agree. The Title of the Assemblys differs more in words then in sense as far as the Abstract goes. The Record generally leaves out Superintendants, Ministers, and Commissioners from Shires and Countrys, which is pretty often in the Title of the copy. Two things make the Table the more useless to me in this collation. The Copy pretty often agrees in the number of Sessions; but then it leaves severall of them. It will have Sess. 1 & 3 & 6. and yet they agree in the totall number; and its probable from the Abstract 1562, that Sessions in one Assembly are putt together, without numbering; and perhaps the Table is taken from the last number of the Record, and may want some of the intermediat Sessions. Some of the differences I have observed between the Record and Copy are as follow.

Ass. 1563, Decr. 25, Session 2d is wanting in the Copy.

— 1564, June 25, Session 3d is wanting in the Copy.

In both these the MSS. Calderwood hath extracts which the Copy wants. From this and Calderwoods numbering every Assembly exactly the same way with the Table, I guess Calderwood hath made his extracts from the Records.

Ass. 1567, July 21. Sessio 4 & 5 wanting in the Copy.

Calderwood hath extracts out of the 5 Session.

Ass. 1567, Dec. 25. 6 & 7 Sessions wanting in the Copy.

Calderwood hath extracts from both.

Ass. 1568, Feb. 25. The dates of the dayes of the Sessions differ, and the Copy wants Sess. 6. which Calderwood hath extracts from.

Ass. 1569, July 4. Sessio 4 is wanting in the Copy.

Calderwood also hath extracts from it.

Ass. 1569, March 1. The Copy wants Sess. 4 & 5. 6.  
which Calderwood also gives extracts from.

Ass. 1570, July 5. Sess. 6, is wanting in Copy.

— 1570, Mar. 5. Sess. 6, is wanting in Copy.

— 1570, (1571) Aug. 6. Sess. 3 & 4 wanting in Copy.

— 1571, Jan. 12. Sess. 4, 5, 6, wanting in Copy.

— 1571, March. Sess. 4 wanting in Copy.

— 1572, August. Sess. 4 wanting in Copy.

— 1572, March 6. Sess. 2, 4, 5, wanting in Copy.

Calderwood gives extracts of some of these, but not alwise. About this time Bishop Adamsons lacerations begin.

Ass. 1572, August 6. Sess. 4 & 5 wanting in Copy.

— 1573, March 6. Sess. 2, 4, 6, wanting in Copy.

— 1574, August 7. Sess. 4 & 5 wanting in Copy.

Here the Abstract ends. I doubt the Table is not so exact. Houever in what follows, I notice these differences.

Ass. March 1574. Copy wants Sess. 2, 3, 4, 5, 6, 7. This I imagine is one of Adamsons tearings.

In severall Assemblies the Record hath a Session or 2 more than the Copy, as Ass. 1575, 1578, 1583, 1587, 1591, 1600.

Ass. 1610, The Record hath 5 Sessions. The Copy hath no distinction.

Ass. 1616, Record hath but one Session. Copy hath 18 Sessions. Neither Record nor Copy have the Assembly at Perth 1618. Calderwood hath it.

Upon the whole, I am ready to think, that the differences are not very great between the Record and our Copys; and that Calderwoods MSS. will very much supplye these defect of this. I shall be in better ease to write when I collate my Copy with Calderwoods MSS. as I incline to doe this winter, if I recover my further strenght, which is but uncertain, severall lesser tumors rising upon my breast.

Under your correction, and the Committys that have this matter before them, I shall offer my present thoughts upon the whole.

The Great Book now in the Honorable Mr Campbells hands, in my opinion, is the 5 Register which is named Act. Ass. 1638 p : 2 : called the Greatest Volume, and declared free of all prejudice and suspieion, and to be received with credite, as margined by the hand write of the Clerk, and agreeable to the 4 preeceeding Books. At first when I read the Abstract you sent me, and observed in your letter that S. Subserbitur is not added to Gray's subscriptions, as in my Copy, I inclined to think this volume to have been the 4 volumes mentioned by the Assembly 1638 bound up in one. But besides Lord Warriston's declaration, that this is the Great Book, that is the Greatest of the 5, and the 5th Register, the division of the Tomes in the Table doth not agree with the volumes mentioned in the Acts of the Assembly 1638. You will see page 2d, that the 2d Register and 2d Tome in the Table end Assembly, August 1572. And the 3d Register lying before the Assembly 1638, conteains the Assemblies from 1574—1579, which is the 4 Tome of the Copy in the Honorable Mr Campbells hands. And in the Registers before the Assembly 1638, there is a gap between 1572 and 1574, which youl see by the Table is made up in Mr Campbels Record, Tome 3d. So that its impossible this Record can be the same with the 4 volumes lying before the Assembly 1638, and declared to be famouse, authentick and good Registers by them: Besides in the Table the 5 Tome conteains the Acts of Assemblies from 1579 to May 10, 1586, which are wanting in the 4 volumes of Registers before the Assembly 1638: And so this greater volume conteains these years which were not in the authentick Registers; and then the 6 Tome comes in as the 4 volume of Registers before the Assembly 1638: So that I am pretty positive this Record is not the authentick 4 volumes of Registers, but the greatest volume the Assembly 1638 speaks of. All which is confirmed from the desription given, Acts of Assembly 1638, p. 3 a medio, "That this greatest volume conteains the Acts from 1560—1590, and agrees with the 4 Books and Registers, as farr as is extant in

them ; and further recordeth what is wanting by them, passing by what is mutilat in them ;" that is Bishop Adamsons tearings.

These remarks, I think, settle the point, that Mr Campbells Record is not the Principal Authentick Acts before the Assembly 1638, but a Copy of them signed on the Margine by Mr James Ritehie, the Clerk, and copied by his servant, which are declared by Assembly 1638 to be conform to the Registers, and free of all suspicion, and deserving credite.

When I am upon this, youl be pleased to inspect the Copy Dr Fraser sent down to Colledge, and particularly the subscription. I mind on my transient view of it, its signed Nicholson : But I dont mind, whether it be James Nicholson or Thomas Nicholson. If Thomas Nicholson, I make little question but its a Copy taken off the originals then in their hands, by that Gentleman who was 3d Clerk to the Assembly. If James Nicholson, he was Moderator of the Assembly 1595 ; and it may be, hath been a copy taken for his use at that time. You can only judge of this by oocular inspection.

However this be, I am of opinion, this ought to be signified in your correspondence with the Honorable Mr A. Campbell, that his Record is not the original Registers before the Assembly 1638 ; but only the Greater Book, which is declared worthy of credite : because they collated it with the Original Records. This ought at least to bring down his very high demands, for his MSS. the wanting of S. Subscriptitur to Grayes subscription will not ballance what is above, and might be a slip of the Transcriber.

Allow me only to add, that before you can deal with Mr Campbell to any purpose, either your Copy taken off Dr Fraser's must be sent up to London, to be carefully collated by some body of sense with Mr Campbells Record, and the differences carefully marked ; at least the first sentence and last of every Session that your Copy wants, should be sett down, if Mr Campbell will allow : or Mr Laudon, or any youl employ, must go through your Copy, and give the Assemblys with their dates, and the first and last words of every Session, with the first and last words, or at least the Tittles of the Principal Papers conteaneed in the different Assemblys. For instance, Assembly, April 24, 1581, the 2d Book of Discipline is insert. Assembly, May 10. 1586, a list of Presbitrys through Scotland is insert. Assembly 1590, Agust 4, the list of the members of Assembly are insert. By this collation Mr Campbell will not be wronged, and you will be in ease to judge the true value of his Record.

When this is done, if the difference be but trivial between our Copyes and his, and especially if we can make them up from Calderwoods MSS. History, I cannot say I would be for giving him above 40 or 50 Pound for his Record, since he will see our Copys are not farr short of it. So much, had we money to give, I wish were given to have one of the Registers approuen by the Assembly 38.

If it come out otherwise, then other methods must be taken with an old poor man

not very friendly to our Constitution, and in his oppinions already farr gone over to Rome.

In no case I would be for printing the Record, except it were revised by a Commyttee named by the Assembly; and such things as are not of general use be left out. I gave you my reasons for this when here. There are Acts contradicting one another, and many things unfitt for the public view. And no wonder when the Church was but just emerging from Popish ignorance and confusion; and it was 20 years before Presibitrys were established; and 9 before any regulation was made, who should be members; and generally all came who were Ministers, and well affected to the Reformation, who wer of any rank.

I would be much rather for a collection for the summ that shall be agreed on with Mr Campbell for his 3 volumes. And I hope we are not so low but 2 or 3 hundred Pound might be gathered from Ministers and well disposed persons at Guineas a peice, with a promise of a Copy of the Acts of Assembly of generall use, when the Assembly sees fitt by their orders to print them, which I think might be done. And our friend A. Millar, who hath made this discovery to us, should be considered in that matter. I fear the Churches funds are so much embarrassed, that little can be hoped for from them.

If Mr Campbell should be unreasonable in his demands, what offers to me under correction is, that propper hands should be employed to deal with Secretary Johnstoun, that the state of the matter should be laid before him; and the Chnrches claim upon these 3 volumes of Records, signified to him; and even our claim upon him as his father's Representative, for what belonged to the Assembly, and is attested by his father in the Churches name. His claim on Mr Campbell might likewise be urged. In that case, the Secretary might easily deal with Mr Campbell in concert with you here.

All this is proposed in much submission to your better judgement. I only mention these things as hints which may open the dore to somewhat more ripe and digested from you and the Commyttee which have this matter before them. I know you will take all as well meant, and make allowances.

Allow me to subscribe myself, Dr Sir,

Your most Humble

And Aff<sup>ect</sup> Servt.

Eastwood Oct 29

1733.

RO. WODROW.

## VIII.

## A TABLE OF THE GENERAL ASSEMBLIES OF THE CHURCH TAKEN FROM THE ORIGINAL REGISTERS, AND REFERRED TO IN THE PRECEDING LETTERS.

“The buik of the vniuersall kirk of Scotland quhairin the Acts and Conclusiones devisit be the Ministaris and Comissionars of the particular kirks thairof are severally expressed and containid.”

“This is the great volume aprovin be the general assemblee at Glascon in November 1638.”

## A SHORT VIEW OR TABLE

Of the Generall Assemblies of the Kirk of Scotland from the year of our Blessed Lord 1560, that she reformed from the Churh of Rome, to the year 1617, which was fourteen years after King James the Sixt of Scotland's Accession to the Crown of England, taken from the original authentick approved Records of the Kirk for 56 years; in severall of which Assemblies King James was personally present.

Assemblies.	Places.	Day. Moneth.	Year.	Sessions.	Moderators.
Assem. 1,	Edinburgh,	20 December	1560.	3 Sess.	
Assem. 2,	Edinburgh,	27 May	1561.	3 Sess.	
Conv <sup>o</sup> .	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 3,	Edinburgh,	30 Junij	1562.	6 Sess.	
Assem. 4,	Edinburgh,	25 December	1562.	5 Sess.	
Assem. 5,	St Johnston,	25 Junij	1563.	4 Sess.	
Assem. 6,	Edinburgh,	25 December	1563.	6 Sess.	Mr John Willock.
Assem. 7,	Edinburgh,	25 Junij	1564.	6 Sess.	Mr John Willock.
Assem. 8,	Edinburgh,	25 December	1564.	3 Sess.	John Erskine.
Assem. 9,	Edinburgh,	25 Junij	1565.	4 Sess.	Mr John Willock.
Assem. 10,	Edinburgh,	25 December	1565.	4 Sess.	John Erskine.
Assem. 11,	Edinburgh,	25 Junij	1566.	2 Sess.	John Erskine.
Assem. 12,	Edinburgh,	25 December	1566.	4 Sess.	John Erskine.

Endis the First Tome.

Assemblies.	Places.	Day.	Moneth.	Year.	Sessions.	Moderators.
Assem. 13,	Edinburgh,	25	Junij	1567.	4 Sess.	Mr George Buchanan.
Assem. 14,	Edinburgh,	21	July	1567.	5 Sess.	Mr John Row.
Conv <sup>a</sup> . 1,	Edinburgh,	18	Deceember	1567.	3 Sess.	
Assem. 15,	Edinburgh,	25	December	1567.	7 Sess.	Mr John Row.
Assem. 16,	Edinburgh,	1	July	1568.	5 Sess.	Mr John Willok.
Assem. 17,	Edinburgh,	25	December	1568.	1 Sess.	Mr John Knox.
Assem. 18,	Edinburgh,	25	February	1568.	6 Sess.	Mr David Lindesay.
Assem. 19,	Edinburgh,		5 July	1569.	5 Sess.	Mr Wm. Christison.
Assem. 20,	Stirligne,	25	February	1569.	1 Sess.	Mr John Spottiswod.
Conv <sup>a</sup> . 2,	Edinburgh,	1	Merche	1569.	11 Sess.	Mr John Craig.
Assem. 21,	Edinburgh,	5	July	1570.	6 Sess.	Mr Robt. Pont.
Assem. 22,	Edinburgh,	5	Merche	1570.	6 Sess.	Mr John Hay.
Assem. 23,	Stirling,	6	August	1570.	4 Sess.	Mr Gilbert Gardin.
Conv <sup>a</sup> . 3.	Leith,	12	January	1571.	6 Sess.	Mr Gilbert Gardin.
Assem. 24,	St. Andrews,	6	Merche	1571.	4 Sess.	Mr Robt. Hamilton.
Assem. 25,	Perth,	6	August	1572.	4 Sess.	John Erskin of Dwn.
		Endis the 2 Tome.				
Assem. 26,	Edinburgh,	6	Merche	1572.	7 Sess.	David Fergusson.
Assem. 27,	Edinburgh,	6	August	1573.	8 Sess.	Mr Alexr. Arbuthnot.
Assem. 28,	Edinburgh,	6	Merche	1573.	7 Sess.	Mr Andrew Hay.
		Endis the 3 Tome.				
Assem. 29,	Edinburgh,	7	August	1574.	10 Sess.	Mr John Duncanson.
Assem. 30,	Edinburgh,	7	Marche	1574.	12 Sess.	Ja. ABp. of Glasgow.
Assem. 31,	Edinburgh,	6	August	1575.	7 Sess.	Mr Robt. Pont.
Assem. 32,	Edinburgh,	24	Apryle	1576.	7 Sess.	Mr John Row.
Assem. 33,	Edinburgh,	24	October	1576.	8 Sess.	Mr John Craig.
Assem. 34,	Edinburgh,	24	April	1577.	9 Sess.	Mr Alexander Arburnot.
Assem. 35,	Edinburgh,	25	October	1577.	13 Sess.	Mr David Lindesay.
Assem. 36,	Edinburgh,	24	April	1578.	10 Sess.	Mr And. Mellvill.
Assem. 37,	Stirling,	11	July	1578.	4 Sess.	Mr John Row.
Assem. 38,	Edinburgh,	24	October	1578.	8 Sess.	David Fergusson.
Assem. 39,	Edinburgh,	7	July	1579.	10 Sess.	Mr Tho. Smeton.
		Endis the 4 Tome.				
Assem. 40,	Dundee,	12	July	1580.	10 Sess.	Mr James Lawson.
Assem. 41,	Edinburgh,	20	October	1580.	13 Sess.	Mr Andrew Hay.
Assem. 42,	Glasgow,	24	Aprile	1581.	10 Sess.	Mr Robt. Pont.
Assem. 43,	Edinburgh,	17	October	1581.	23 Sess.	Mr John Craig.

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Assemblies.	Places.	Day.	Moneth.	Year.	Sessions.	Moderators.
Assem. 44,	St. Andrews,	24	Aprile	1582.	14 Sess.	Mr And. Melvill.
Assem. 45,	Edinburgh,	27	Junij	1582.	7 Sess.	Mr And. Melvill.
Assem. 46,	Edinburgh,	9	October	1582.	20 Sess.	David Lindesay.
Assem. 47,	Edinburgh,	24	Aprile	1583.	13 Sess.	Mr Tho. Smeton.
Assem. 48,	Edinburgh,	10	October	1583.	16 Sess.	Mr Robt. Pont.
Endis the 5 Tome.						
Tomus 6.						
Assem. 49,	Edinburgh,	10	May	1586.	18 Sess.	Mr David Lindesay.
Assem. 50,	Edinburgh,	20	June	1587.	18 Sess.	Mr And. Melvill.
Assem. 51,	Edinburgh,	6	February	1587.	18 Sess.	Mr Robert Bruce.
Assem. 52,	Edinburgh,	6	August	1588.	14 Sess.	Mr Tho. Buquhannan.

This is the great Volume aprovin be the Gen. Assemblee at Glascou in November 1638.

A. JHONSTON, Cls. Eccl.

*Register of the Acts of the Generall Assemblie of the cropes and zeiris of God  
I<sup>m</sup> v<sup>e</sup> lxxx—lxxxvi inclusive Be . . . Clark depute yr<sup>t</sup>o.*

Assem. 53,	Edinburgh,	4	August	1590.	17 Sess.	Mr Pat. Galloway.
Assem. 54,	Edinburgh,	2	July	1591.	18 Sess.	Mr N. Dalgeshe.
Assem. 55,	Edinburgh,	22	May	1592.	23 Sess.	Mr Rob. Bruce.
Assem. 56,	Dundie,	24	Apryle	1593.	9 Sess.	Mr David Lindesay.
Assem. 57,	Edinburgh,	7	May	1594.	18 Sess.	Mr And. Melvill.
Assem. 58,	Montrose.	24	June	1595.	9 Sess.	Mr James Nicolson.
Assem. 59,	Edinburgh,	23	Merche	1595.	13 Sess.	Mr Rob. Pont.
Assem. 60,	Perth,	1	Merche	1596.	7 Sess.	Mr David Lindesay.

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Assem. 61,	Dundee,	10	May	1597.	10 Sess.	Mr Robt. Rollok.
Assem. 62,	Dundee,	7	Marche	1597.	13 Sess.	Mr Peter Blackburn.
Assem. 63,	Montrois,	18	Marche	1600.	9 Sess.	Mr Robert Wilkie.
Assem. 64,	Bruntyland,	12	May	1601.	5 Sess.	Mr John Hall.
Assem. 65,	Holyruidhouse,	10	November	1602.	6 Sess.	Mr Pat. Galloway.
Assem. 66,	Lythgow.	26	July	1608.	8 Sess.	Ja. Law Bp. of Orkney.
Assem. 67,	Glasgow,	8	June	1610.	5 Sess.	John ABp. of Glasgow.
Assem. 68,	Aberdeene,	13	August	1616.	1 Sess.	John ABp. of St. Andrews.

TH. NICOLSON.

## IX.

## IN THE GENERAL ASSEMBLY HELD AT GLASGOW, 1638.

Act. Sess. 12. December fourth.

## THE SIX LATE PRETENDED ASSEMBLIES CONDEMNED.

Anent the report of the Committie, for trying the six last pretended Assemblies: They produced in writ sundrie reasons, clearing the unlawfulness and nullitie of these Assemblies: which were confirmed by the registers of the Assembly, the books of Presbyteries, the Kings Majesties own letters, and by the testimonie of divers old reverend Ministers, standing up in the Assembly, and verifying the truth thereof. The Assembly with the universal consent of all, after the serious examination of the reasons against every one of these six pretended Assemblies apart, being often urged by the Moderator to informe themselves throughly, that without doubting, and with a full perswasion of minde, they might give their voices, declared all these six Assemblies of Linlithgow 1606 and 1608, Glasgow 1610, Aberdeen 1616, St Andrews 1617, Perth 1618. And every one of them to have been from the beginning unfree, unlawful, and null Assemblies, and never to have had, nor hereafter to have any Ecclesiastical authoritie, and their conclusions to have been, and to bee of no force, vigour, nor efficacie: Prohibited all defence and observance of them, and ordained the reasons of their nullitie to be insert in the books of the Assembly: Whereof the tenour followeth.

## REASONS FOR ANNULLING THE PRETENDED ASSEMBLY, HOLDEN AT LINLITHGOW 1606.

I. From the indictment of it. It was indicted the third of December, to bee kept the tenth of December. And so there was no time given to the Presbyteries, far distant, neither for election of Commissioners, nor for preparation to those who were to be sent in Commission. The shortnesse of the time of the indictment is proved by the Presbyterie books of Edinburgh, Perth, and Haddingtoun, &c.

II. From the want of a lawfull calling, to these who went to that meeting, seeing they were not at all elected by their Presbyteries, but were enjoyned to come by the Kings letters. This also is proved by the forsaid books of the Presbyteries, and by his Majesties letters.

III. From the nature of that meeting, which was only a private meeting, or convention, for consultation to be taken by some persons of sundry estates written for, as the Kings letters and the Presbyterie books do aeknowledge.

III. From the power of these Ministers who were present Their Presbyteries did limitate them: First, That they should give no suffrages in that meeting as a gene-rall Assembly. Secondly, That they agree to nothing that may any wayes be preju-

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dicall to the acts of the generall Assemblies, or to the established discipline of the Kirk. Thirdly, That they should not agree to resolve or conclude any question, article, or mater whatsoever, the decision whereof is pertinent, and proper to a free generall Assembly. Fourthly, If any thing be concluded contrary thereunto, that they protest against it. These limitations are clear by the Presbyterie books.

V. The acts of this meeting were not insert in the book of Assemblies, as is evident by the registers.

VI. The next pretended Assembly at Linlithgow, 1608, doth acknowledge the Assembly, whereof Master Patrick Galloway was Moderatour, to have been the last immediate Assembly, preceeding itselfe: and that Assembly whereof he was Moderatour, was the Assembly holden at Haly rood-house, 1602. So they did not acknowledge that meeting at Linlithgow, 1606, for any Assembly at all. This is clear by the registers of the Assembly, 1608, in the entrie thereof.

## REASONS FOR ANNULLING THE PRETENDED ASSEMBLY AT LINLITHGOW, 1608.

I. Manie of the voters in that pretended Assembly had no lawfull commission from the Kirk, to wit, 42. Noblemen, officers of state, Counsellours, and Barrons, also the Bishops, contrarie to the act of Dundie, 1597. And one of their caveats. The Noble men were as commissioners from the King, the Bishops had no commission at all from the Presbyteries, for every Presbyterie out of which they came, had their full number of Commissioners beside them, as the register of the Assembly beareth

II. In a lawfull Assembly there should be none but Commissioners from Presbyteries, Burghs, and Universities, and but three ministers at most, with one Elder. Commissioners from every Presbyterie, according to the act made at Dundie, 1597. But in that pretended Assembly, there were foure ministers from the severall Presbyteries of Edinburgh, and Cowper, five from the Presbyterie of Arbroth, as the roll of the said pretended Assembly beareth; whereas there were no ruling Elders sent from Presbyteries, according to the book of policie and act of Dundie.

## REASONS FOR ANNULLING THE PRETENDED ASSEMBLY AT GLASGOW, 1610.

I. The Commission of the pretended Commissioners to that meeting was null. 1. Because the election of them was not free, seeing they were nominate by the Kings Letters, as the Presbyterie books of Edinburgh, Perth, and Haddington declare. And the Bishop of St Andrews in his letter to some Presbyteries, required them to send such Commissioners as the King had nominate: Assuring them, that none other would be accepted. This the Bishops letter registrat in the Presbyterie books of Haddington doth cleare. 2. And whereas there were no ruling Elders sent from the Presbyteries to that pretended Assembly, as the roll of Commissioners sheweth; yet there were more ministers from sundrie severall Presbyteries than three, as five from Brechen, five from Arbroth, five from Kirkeubright, seven from the Presbytery of

Argyl, four from the Presbyterie of Cowper, four from Linlithgow, four from Paisley, four from Hammiltoun, four from Drumfries, four from Dunkell: as the register of that Assembly beareth.

II. There were thirtie voters of Noble men and Barrons, beside the pretended Bishops, who had no commission from any Presbyterie. In the fourth Session of this pretended Assembly it is plainly said, That the Noble men and Barrons came to it by the Kings direction.

III. The voting of the commissioners was not free: for by the Kings letter to the Assembly they were threatened, and it was declared that their consent was not needfull to any act to be made there: The King might do it by his own power, yet they were allured to vote by a promise that their good service in so doing should be remembred and rewarded thereafter.

IV. The prineipall acts which were made, were set down verbatim in the privie conference, which chiefly consisted of the Kings Commissioners and pretended Bishops, and only read to be ratified in the Assembly.

V. Sundrie ministers then present, do now declare, that they knew the ministers who voted the wrong way, to have received their present reward, and that money was largely dealt unto them.

#### REASONS FOR ANNULLING THE PRETENDED ASSEMBLY AT ABERDENE, 1616.

I. There was no election of a Moderatour: but that place usurped by the pretended Bishop of Saint Andrews, as the Register beareth.

II. The induction of that pretended Assembly was but twentie dayes before the holding of it: so that the Presbyteries and burghes could not be prepared for sending their commissioners: whiche caused the absence of many Presbyteries and fourtie four Burghes.

III. There were twentie five noble-men and gentle-men, voters without commission from the Kirk. Mr William Struthers voted for the Presbyterie of Edinburgh, yet had no commission therefrom: The commission being given by that Presbyterie to other three, as the said commission registrat in the books of the Presbyterie beareth. And whereas there should be but one Commissioner from every burgh, except Edinburgh, to the Assembly; at this pretended Assembly, there were two Commissioners from Glasgow, two from Cowper, two from St Andrews: whereas there were no ruling Elders having commission from their Presbyteries at that Assembly.

III. When the acts of that pretended Assembly were written, the Bishop of St Andrews with his own hand did interline, adde, change, vitiate, direct to be extracted or not extracted, as he pleased, as the scrolls themselves seen doe show: wherefore the clerk did not registrat the acts of that Assembly in the books of Assemblies, as may be easily seen by the blank in the register left for them remaining unfilled.

## APPENDIX.

## THE NULLITIE OF THE PRETENDED ASSEMBLY AT SAINT ANDREWS, 1617.

- I. There is no mention of it in the register of the Assemblies, and so no warrant for their commissions, their Moderatour or Clerk.
- II. The indiction of it was so informall, that as the seroll declareth, a great part of the Commissioners from Synods, Burrows, and gentlemen, would not be present.
- III. The Kings Majestie in his letter to Perths Assembly, acknowledgeth it was but a meeting, wherein disgrace was offered to his Majestie.
- IV. The former corruptions of the foure preceeding Assemblies had their confluence in this and the subsequent Assembly.

## REASONS FOR ANNULLING THE PRETENDED ASSEMBLY, HOLDEN AT PERTH, 1618.

- I. The Assembly was indicted but twentie dayes before the holding of it: and all parties requisite received not advertisement, as appeareth by their absencie. The unumituous indicting of it, is cleared by the Presbytrie books.
- II. There was no election of the Moderatour, as was accustomed to be in lawfull Assemblies: The register cleareth this.
- III. No formal election of their new Clerk.
- IV. There were five whole Dyocies absent, viz. Orkney, Cathnes, Rosse, Argyll, and Isles: and many Presbyteries had no Commissioners there, as the register of that pretended Assembly beareth.
- V. There were nineteen Noblemen and Barons, eleven Bishops, that had no commission from the Kirk. Whereas the act for constitution of Assemblies, ordaineth every Burgh to have but one Commissioner, except Edinburgh, which may have two, (Act at Dundie, 1597) yet in that pretended Assembly, Perth had thre Commissioners, Dundie had two, Glasgow had two, and St Andrews had two: Of the Burghes there were thirtie six absent: And for ruling Elders, there were none at all with commission from their Presbyteries. All these things are cleared by the records of that pretended Assemblie.
- VI. The Commissioners from some Presbyteries exceeded their number, prescribed in the act at Dundie, 1597, for the Presbyterie of Arbroath were four Commissioners, and four for the Presbyterie of Augchter-ardour: Beside these that were heard to vot, having no commission at all, and some who had commission were rejected, and were not enrolled, but others put in their place without commission.
- VII. The pretended Bishops did practise some of the articles to be concluded there, before the pretended Assembly, in Edinburgh, St Andrews, and other cathedrall Churches, by keeping festivall dayes, kneeling at the Communion. Thus their voices were prejudged by the practise of these articles before condemned by the Kirk, and therefore they should have been secluded from voicing.
- VIII. In all lawfull Assemblies, the voicing should be free: But in this pretended

Assembly there were no free voicing; for the voiceers were threatened to voice affirmativē, under no lesse pain nor the wrath of authoritie, imprisonment, banishment, deprivation of ministers, and utter subversion of the state: Yea, it was plainly professed, that neither reasoning, nor the number of voices should carie the matter away: Which is qualifid by the declaration of many honest old reverend brethren of the ministry now present.

IX. In all lawfull Assemblies, the grounds of proceeding were, and used to be, the word of God, the confession of Faith, and acts of former generall Assemblies. But in this pretended Assembly, the ground of their proceeding in voicing, was the Kings commandment only: For so the question was stated: Whether the five articles, in respect of his Majesties commandment, should passe in act, or not: as the records of that pretended Assembly beareth. Where it is declared, that for the reverence and respect which they bear unto his Majesties royall commandments, they did agree to the foresaid articles.

X. Many other reasons verifying the nullitie of all these Assemblies, were shounen and proven before the Assembly, which needeth not here to be insert.

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#### ADDENDUM—P. 131.

At Edinburgh x of Julij 1568. In the Generall Assemblie and saxt Session  
thairof.

The haill Kirk assembled, for eschewing of pleyis among brethren, maist hartilie requestis my Lordis President of Session, Secretare, Advocat, Clerk of Registre, Justice Clerk, Lord Provand and Mr Henry Bahavis, or any three of them, to decyde the Controversie that apperandlie may be movit betwix the Maisteris of the New College of Sanctandrois, and Mr Alexander Spens, Minister of Couper, anent thair pretendlit right of the parsonage of Tarvat; and this to be done betwix this day and xvi of August next, to the effect that my Lord Regents G. may give his Gs presentation to the partie having best right.

J. GRAY. Scr.

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## CORRIGENDA.

Page.	Line.		Page.	Line.	
17.	34.	<i>after Hay insert a comma.</i>	667.	16.	<i>delete David (C.)</i>
49.	21.	<i>for Loathein read Letham (C.)</i>	687.	2.	<i>for quarters read Commissioners.</i>
58.	9.	<i>delete and (C.)</i>	—	12.	<i>— dulterme read due terme (C.)</i>
77.	7.	<i>for John read James (C.)</i>	716.	27.	<i>— Elly read Enzie.</i>
96.	7.	<i>— Quarters read Commissioners,</i>	717.	19.	<i>— Logilichan read Logiebuchan.</i>
105.	18.	<i>— raisit (razed) read ratifeit ?</i>	—	21.	<i>— Gordon read Garden.</i>
106.	37.	<i>— 20 read 25.</i>	—	29.	<i>— Fyfe read Fylie.</i>
145.	7.	<i>— found read summoned (C.)</i>	—	—	<i>— Locky Damock read Logie-durno.</i>
146.	22.	<i>— denounce read demit (C.)</i>	—	30.	<i>— Innerug read Inverury.</i>
179.	25.	<i>— moderators read modifiers ?</i>	764.	17.	<i>— Lundie read Lundie.</i>
238.	4.	<i>— strain read storm ?</i>	765.	15.	<i>— Graig read Greig. M.S.W.</i>
255.	4.	<i>— James read John.</i>	770.	12.	<i>— Endercharitie read Inveraritie.</i>
256.	37.	<i>— Beduchie read Benduchie.</i>	795.	11.	<i>— John read James (C.) MSS.</i>
267.	21, 23.	<i>— excommunicants read excommunicatis.</i>		A. W.	
270.	1.	<i>— Haleio read Halcro.</i>	799.	22.	<i>— derectour read the Rectour.</i>
281.	6.	<i>— John read James.</i>	803.	6.	<i>— Bondronne read Wynrhame.</i>
295.	7.	<i>— Galloway, Kile, read Galloway, Aberdeen, Kile, minister of.</i>	813.	10.	<i>— octavo read vigesimo octavo.</i>
337.	8.	<i>— Edinburgh read Aberdeen.</i>	815.	15.	<i>— presbytery read synod.</i>
368.	6, 7, 8.	<i>— John read Gilbert.</i>	816.	15, 16, 17, 18.	<i>to be delete.</i>
425.	27.	<i>— continuance read contumacie.</i>	824.	24.	<i>for Trewquhy read Frewquhy.</i>
425.	30.	<i>— voundit read unmeet (C.)</i>	—	29.	<i>— Kilkell read Kilkill.</i>
435.	24.	<i>— Etham read Eythan.</i>	832.	30.	<i>— inhite read inhibite. MSS.</i>
470.	13.	<i>— Angus and Marnes read Aberdeen and Banff.</i>	851.	13.	<i>for Julij read Junij.</i>
—	24.	<i>— Dynneir read Dinnure.</i>	863.	29.	<i>after Bruce insert Robert Wallace.</i>
532.	16.	<i>— Tividdail read Tweddail.</i>	873.	5.	<i>for Robert Laud read Robertland, and add [David Cunningham-hame of.]</i>
540.	12.	<i>— Ramuscraig read Ravinsraig.</i>	930.	14.	<i>Endercharitie read Inveraritie.</i>
634.	9.	<i>— George read Gilbert.</i>	981.	2.	<i>delete to.</i>
643.	18.	<i>— notwithstanding read not stand- ing (C.)</i>	—	5.	<i>for reformation read information.</i>
648.	21.	<i>— Clidesdaill read Dumbarton : in the Nether Ward of [ ] : (C.)</i>	999.	1.	<i>insert 15 before Novembris.</i>
649.	25.	<i>— Torrie read Turreff.</i>	1124.	12.	<i>for Howit read Howie.</i>
657.	1.	<i>— ame read same.</i>	1131.	23.	<i>— Andro read George.</i>
			1040.	6.	<i>— 44 year read 40 year.</i>
			1042.	11.	<i>— 45 year read 40 year.</i>
			1082.	35.	<i>— 47 year read 43 year.</i>

THE BOOKE  
OF THE  
UNIVERSALL KIRK OF SCOTLAND:

WHEREIN THE HEADIS AND CONCLUSIOUNS  
DEVYSIT BE THE MINISTERIS AND COMMISSIONARES  
OF THE PARTICULAR KIRKS THEREOF  
ARE SPECIALLY EXPRESSED  
AND CONTAINED.



A. D. M.D.XCIII.

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THE Generall Assemblie of the Kirk of Scotland, convenit at Dundie  
the xxiiij day of Apryle 1593.

Exhortatioun being maid be Mr Robert Bruce, Moderatour of the last  
Assemblie ; in respēt of the raritie of the brether convenit, it was thought  
meit the electioun of ane Moderatour fould be continewit quhill efter  
nvne, quhane the number will be mair frequent.

Acta Seſſione Secunda, Eodem die.

The Assemblie, according to thair ordour, proceeding to the electioun  
of ane Moderatour, during this Conventioun, appointit and delytis Mr  
Dauid Lyndesay, Mr James Balfour, Mr Johne Nicolsoun, Mr Andro  
Meluill, Mr Patrick Sympſoun ; and, be pluralitie of voitis, the faid Mr  
Dauid was choffin Moderatour hac vice.

The hours of conventioun, ilk day dureing the Assemblie, war appointit  
the accustomet hours.

And to the effect that all the actiouns to be intreitit at this tyme may  
be mair convenientlie and ordourlie handlit, and mair reddelie dispecht,  
the Kirk nominat thair bretherne vnderwritin, thay ar to fay, the Lairds  
of Cammo, Abottifhall, Powrie, Ogilvy, commissioners of Edinburgh and  
Lyth, Mr Robert Pont, Mr John M'kenzie, Mr Alexander Dowglas,  
Mr Gilbert Gairdin, Mr Peter Blackburne, Alexander Keyth, William

Crystefoun, Mr James Nicolsoun, Johne Dury, Mr Archibald Meluill, Mr Nicol Dalgleishe, Mr Thomas Buchannane, Dauid Fergufoun, Mr James Meluill, Mr William Rynd, Mr Patrick Symfoun, Mr Robert Bruce, Mr Robert Hepburne, Mr Johne Spoittiswod, Mr William Methwen, Mr Archibald Clayhills, Mr Johne Cowper, Mr Dauid Barclay, Mr Matho Wyllie, Mr Alexander Wreytoun, Mr William Edmestoun, to convine daylie with Moderatour in the rewestrie of the kirk, at aucht hours in the morning and tua efter nvne of the preaching dayis, and immediatlie efter the fermone in the preaching dayis, to gif thair adwyse and counsell in proceiding in materis of this Affemblie.

*Acta Sessione Tertia, vigesimo quinto Aprilis 1593.*

Foralmsmeikill as ther is ane Conventionn of the Nobilitie appointit be his Majestie in Edenburgh, the xxvij day of this instant, quher it is thocht meit that certane of the Kirk be present, to propone sick articlis and petitionis as for the tyme falbe thocht meit: Thairfor the Kirk and Alsemblie present hes thocht meit to condiscend vpoun sic articles, quhairof ane breif recitle followis, quhilk heirefter ar to be brocht and reduceit in sum guid forme.

Firft, It is thocht meit to be craveit that all Papeiftis within this realme may be pynisht according to the lawis of God and of the realme.

Item, That the act of Parliament of ipso facto may ftrak vpoun all maner of men landit and vnlandit, constitut in office or vtherwayis, als weill as the famyn is speciallie confawit aganis beneficis perfoures.

Item, That ane declaratour be cravite aganis Jefueits and traficking Papeiftis aganis the trew religioun profeffit within the realme, quherby thay may be declairit tratours, to this effect the resfateris of thame may be puenisht according to the act of Parliament: and ficklyke that ane reformatioun may be of the thrie dayis contenit in the said act.

Item, That all sick perfoures as the Kirk fall find and declar publiclie to be obstinat Papeiftis, althoche thay be not excummynicat, be debarit frome bruiking of ony office within the realme, as alsua from acces to his Majesties companie, and from inioying of ony banefit of the lawis of the realme; as alsua that the pane of horning and vther ciuell paines may follow vpon the faid declaratour, siclyk as alreddie followis vpon the fen-

tence of excummynicationoun : and that ane act of Counsall presentlie may be maid and publishit therupon, quhill the nixt Parliament, quher the famyn may be establisht in ane law.

Ordanies the bretherne of the haill Prefbiteris quhilks ar present, to gif in the names of all maner of persouns excummynicat for quhatsumever crime, as als of professing Papeifis, the morne to the full Assemblie.

The Generall Assemblie of the Kirk gevis full power and commissioune to the brether of the Prefbiteres of Glasgow and Hammiltoun, or sa mony of thame as guidlie can be convenit togidder, to summond Mr Myrheid to compeir befor thame, with all expedient diligence, at the first dyet within the Toun of Glasgow, to ansuer for the defectionoun of the ministrie, and to proced according to the tryell and proces led befor thame ; and in caice of ma dyetis nor ane, the plaice to be myntuallie interchangit ester thair assenbling ; and to report thair proceeding to the nixt Generall Assemblie of the Kirk.

Anent the commissioune gevin in the last Assemblie to the Prefbiteris of Brichen and Arbrothe ; fick brether adioynit to thame concerning Mr Walter Lyndesay and his collegeis.

Item to the Prefbiterie of Hadingtoun concerning Mr George Ker ; To the Prefbiterie of Dalkeyth concerning the Laird of Rolling ; To the Prefbiterie of Edenburgh concerning Mr George Semple ; as the particular commissioune beris. Ane particular report of thair diligence being hard, the faids haill commissioune wer found to be execute.

Anent the commissioune gevin to the Prefbiteris of Stirling and Dumblane concerning the complaint of the parochiners of Eglithame : The proceedingis in the mater being presentit in writ be Mr Patrik Symfoun, Minister in Stirling, in respect thay have remittit sum thingis to be confiderit be the haill Kirk, to do ferder resolutioun therin is supercedit quhill materis remittit to this Assemblie be proponit.

Anent the commissioune gevin in the last Assemblie to certane bretherne, to tak vp the deidlie feid betuix the Lairds of Craigmyller and Edmelloun : In respect the said brether hes taken alreddy travells therin, the Assemblie hes willit thame to prosecut forder that purpos, and to report to the nixt Assemblie.

Anent the commissioune gevin to the Prefbiterie of Irwing, to try the Prefbiterie of Hamilton, and to report conforme to the tenour of the last Assemblie : In respect is vnderstand to the said Assemblie, not asȝit the

laid commissioun is not execut, thairfor of new the faid Kirk hes renewit the faid commissioun to the brether appointit therin of befor, and ordaines thame to execute the famyn betuix and the nixt Assemblie, as thay will anfuer.

For reiding of bills and queſtiouns preſentit in this Assemblie : The Kirk hes nominat Mr James Nicolsoun, Mr Nicol Dalgleiſche, Mr James Meluill, Mr Gilbert Gairdin, to conveine euerie day at tua hours in the Kirk, and to ſycht the bills qubilks ar pertinent to the Assemblie, for remiting ſic as be pertinent to the full Assemblie.

The Kirk and Commissioners preſent hes gevin full power and commiſſioun to thair ryght honorabill and thair lovit bretherne vnderwritin, thay ar to ſay, the Lairds of Abotifhall, Wedderburne, and Mercheſtoun, Johne Arnot, William Lytill, ſumtyme Provefts of Edenghurgh, and Clement Ker, burges, ſumtyme Baillie therof, to preſent to his Majeftie and Nobilitie now appointit to conveine at Edenghurgh, the xxvij day of this instant, the articles and petitiouns of the Kirk, and to crave and travel that the famyn may be grantit ; and gif neid beis, to reſoune and confer thervpoun, or quhat beis done herin to report to the nixt Generall Affemblie.

Sellio 4<sup>a</sup>. 25 Aprile.

The Commissioners vnderwrytin preſentit thir Articles following to his Maiestie and Counſell, viz. the Lairds of Abothall, Wedderburne, and Mercheſtoun, John Arnot and William Little, ſometime Provefts of Edenghurgh, and Clement Car, Mrs Robert Bruce, Patrick Galloway, James Nicolsoun, and Walter Balcanquell.

Followis the tenour of the faid articles.

Firſt, Seing the increafe of Papistrie is daylie within this realme, it is craveit of his Majeftie, that all Papifts within the fame may be puniſhit according to the laws of God and the realme.

Item, That the act of Parliament ipfo facto may ftrike vpon all maner of men, landit and vnlandit, conſtitute in office or vtherwayes, of quhat fort [foever] they be, as weill as the famen is provydit to ftrike aganis benefit perſons.

Item, That ane declaratour may be givin against Jesuites, Seminarie Preifts, and traffiquing Papifts, declaring them culpable of treason and lefe Majeftie, quherby the receipts of fuch perflons may be punifchit according to the act of Parliament ; and that reformation may be had of the faid act in that pairt, quher the famein is only extendit againft fuch perflons as receipts them be the ſpace of three dayes ; and that the penaltie of the act may be inflicit againft any receipts without any condition of dayes.

Item, That all fick perflons as the Kirk fall find and declare [publickly] to be Papifts, althoſh they be not excommunicat, be debarrit from brooking any office within the realme, as alſo from having acceſſe to his Majefties compagnie, and from injoying any benefite of the lawis ; as alſo that the paine of horning, and vther civill paines, may follow vpon the faid declaratour, ſicklyke as preſentlie followis vpon the ſentence of excommunicatioun ; and that ane act of Counſell preſentlie be made and publifchit therupon, quhill the nixt Parliament, quher the ſamen may be eſtablished in ane law.

Item, That his Majeftie will confidder the great prejudice done to the haill Kirk be erecting of the teinds of diverſe Prelacieſ in temporalitie, as of the Abbay of Paisly and fundrie [others,] be the quhilk the planting of Kirks is greatlie prejudicit ; and that, therfor, ane ſubſtantial ordour be tane for remeid therof.

Ordaines derectour of Sanct Androis, Mr Robert Wylkie, Mr Robert Pont, Mr Thomas Buehannane, and Mr Johne Johnſtoun, or ony thrie of thame, to veſit the tennour of the foundatioun of the new College to be erectit be the Erle Marischell in Aberdeine, and to gif thair oppvnioun of the fame to the bretherne, that the laid foundatioun may be ratefeit be the faid haill Affemblie, being fund meit and expedient.

Ordaines Mr Robert Hepburne, Mr James Meluill, and Mr Peter Blackburne, to veſit and fycht the buik of veſitation of the boundis of Orknay, preſentit be Mr Robert Pont, and to gif thair oppvnioun to the Affemblie befor thay diſſolute.

Foralſmeikill as the numberis of the Presbitereis within this realme and thair places wald be knawin, the names therof being inquiryit, the full Affemblie and nymer of the fame wer gevin vp as followis, viz.

Ane Presbiterie in Zetland callit Tingwall : In Orknay, ane, to wyt, Kirkwall : In Kaithnes, ane, viz. Thurfo : In Sutherland, ane, viz.

Dornoch : In Ros, tua, Tane and the Channonrie : In Murray, four, viz. Inuerneſ, Forres, Elgine, and Ruthven : In Aberdeine, fyve, viz. Bamf, Deir, Inuerowrie, Aberdene, Kincardin : In Mernes, ane, Couway : In Angus, four, viz. Brechen, Arbroth, Megill, Dundie : In Dunkeld, ane, viz. Dunkeld : In Perth, Sanct Johnſtoun, Dumblane : In Fyfe, four, viz. Sanct Androis, Cowper, Dumfermline, Kirkealdy : In Stirling, ane, Lythgow : In Lowdiane, four, viz. Edinburgh, Dalkeyth, Haddingtoun, Dunbar : In Tueddall, Peblis : In Mers, tua, Chirneyfyd, Duns : In Teuiotdaill, tua, Jedburt, Melros : In Nethisdaill, ane, Drumsfreis : In Galloway, tua, Kirkcudbryt, Wigtoun : In the Schirefdome of Air, tua, viz. Air, and Irwing : In Renfrew, Paiflay : In Lennox Shyre, ane, Dumbartane : In Cliddifdaill, thrie, viz. Glasgow, Hamiltoun, Lanerk.

Forsameikill as the visitatioun of the Presbitries vniversallie throughout the haill realme, is thocht ane thing verry neceſſar, and fra diuers Aſſembliies commiſſiounes hes beine gevin to that effect ; notwithstanding ane neceſſitieȝ remaneing quhilk craveit the continewing of the faid commiſſioun, the Kirk, therfor, and Commissioneris preſent hes gevin power and comiſſioun to thair louit bretherne vnderwritin, within the particular boundis respectinȝ following, that is to fay, For Zetland, Thomas Swyntoun : For Orknay, Mr Robert Pont : For Sutherland, and Caithnes, Mr Robert Pont and Mr William Pap coniunctlie : For Ros and the Channonrie, Mr Alexander Dowglas ; For Murray, Mr George Monro, Mr Andro Crumby, Mr Johne Robefoun : For Aberdeine, Mr Alexander Forbes, Mr Robert Arbuthnet, Mr Andro Wyllie : For Mernis, John Durie, Mr Andro Keithe : For Angus, Mr Robert Bruce, Mr Andro Meluill, and Mr James Meluill : For Perth, Dunkeld, Dumblane, and Stirling, Mr James Nicolson, Mr Nicoll Dalgleiſe : For Fyfe, Mr Dauid Lyndesay, Mr Robert Hepburne, and Mr Patrick Symfoun : For Lowthiane, Mr Andro Moncreif, Mr Dauid Spence, Mr Andro Lamb : For Mers, Mr Adame Johnſtoun, Mr James Carmichell : For Tiviotdaill, Mr William Methven, Johne Clappertoun : For Nitheſdaill, James Hammiltoun, Mr William Hammiltoun : For Galloway, Johne Porterfeild, Mr Dauid Barclay : For the Schirefdome of Air, Mr Johne Yong, Andro Knox : For Dumbartane, Renfrew, Glasgow, Hamiltoun, and Lanerk, Mr Henrie Levingſtoun, Mr Robert Wykſie, Mr Alexander Wreitoun : to vifet and try the doctrine, lyfe and converſation, deligencie and fidelitie, of the Pal-

touris within the faids Presbiteries ; and ficklyke to try gif ther be any of the benefitit number within the famein, not making residence, having no reasonable caus to purge the famein ; gif ther be any that hes dilapidat thair benefices, fett tackis, and made vther dispositiouns therof, by the consent of the Generall Kirk ; ony flanderous person vnmeit to ferue in the Kirk of God, and vnhable and vnqualifiest to teach and edifie ; and, with advys of the Presbytrie within the quhilk the saidis perfons ar, to proceid aganis them according to the qualitie of the offence, or vndispositiouns of thair offices, according to the acts of the Kirk : And that this visitatioun, tryell and examinationoun be compleit betuix and Michelnes nixt to cum, recommending to euerie Presbeterie, for shortning of the faidis Commissioners travells, ane diligent tryall amangis thame selfis be takin befor the Commissioners cuming, quherin they may vnderstand and note the abusis quhilk wald be correcit ; commanding also the Presbytries within the quhilks the saidis Commissioners remaines, to provyde for the saidis Commissioners flockis in thair absence in the said visitatioun.

Acta Sessione quinta, vigesimo sexto Aprilis 1593.

The Kirk and Commissioners present ordaines the parochineris of Sanct Androis to landwart, to big and edifie to themselfes ane paroche kirk, in sick ane part as the saidis parochineris and Presbyteries aggrei vpon, narret the middis of the paroche, betuix and Lambes cum ane geir, according to thair suite maid to Parliament, and ficklyk to the Assemblic ; certifieing thame and they failzie, thay falbe debarrit fra ony benefoit of the Kirk of Sanct Androis.

Anent the kirkis in Orknay and Zetland : In respeict it is confididerit that for the nvmbre of Illis ther, and that there is not lipend to everie particular kirk, quherby the pluralitie of kirkis serveyng may be eschewit : thairfor the Kirk quhill the nixt Assemblie ordaines the saidis kirkis to be ferved as thay ar presentlie, in respect of the present necessitie, and diuers vtheris impedimentis.

Ane supplicatioun to be gevin in to Parliament to reforme the delapidatioun of the leving foundit in the gramer scoole of Kirkwa, ordaining in the meane tyme the Commissioner, quha is appointit to vesit the Presbiterie ther, with adwse of the fame, to deprive the perfoun quha hes delapidat

the fame, in caice he restore not agane the faid leving to the awin intergretie.

The Generall Assemblie of the Kirk gevis full commissiou and power to the bretherne of the Presbiterie of Edenburgh, to call befor thame Adame Bisbipe of Orknay, and to charge him with the demolishing of the kirk of Birsfa, to try gif he demolishit the fame : And in caice he be found fa to have done, to charge him to repair the fame, that the flok be not deslitut of ane kirk ; vtherwayis to proceid aganis him, and to report thair proceedings to the nixt Generall Assemblie.

Eodem die. Sessio sexta.

The Generall Assemblie of the Kirk haveing committit the sycht, reidng and confidderatioun, of ane new foundatioun of ane Collidge to be ere<sup>c</sup>tit in Aberdeine be the Erle of Marischell, to certane lernit brether of the Assemblie maist expert in sick caiffes, and vnderstanding of thame that the faid foundatioun and ere<sup>c</sup>tioun in substance is very guid and commendable : thairfor, and efter sum ressoning also in the matter, hes allowit, approwin and affermeit the fame, according to the tennour therof in all thingis ; and ordanes this thair approbatioun to be gevin out, and act to be maid theryon.

Memorandum. To insert the supplicatioun of the Laird of Grenok quhilk is lyand in the pok.

Names of excommunicat persouns gevin vp be the brether.

Allexxander Ramsay, brother to the Laird of Dalhowsie ; Alexander Creychtoun of Newball, elder, bayth within the Presbiterie of Dalkeyth ; In Leingar parochin, Thomas Donaldsoun, for dowbill adultrie ; In Campsie parochin, William Aikin, for adultrie ; In Levingstoun, Andro Stirling, for flauchter of vnuhile Johne Adame ; Thomas Kincaid, for flauchter of vnuhile Luk Sterling in Cadder ; Thomas Blar in Boctay, for thriefald fornicatioun and dissobedience, lyand vnder the fentence of excommunicatioun thir four geiris bygane ; In Glasgow, Matho Heriot, for flauchter of vnuhile Andro Ros ; Gilbert Inglis, for flauchter of vnuhile Samuell Hamiltoun, sone to the Laird of Prestoun ; Archibald Vduart for the flauchter of vnuhile Dauid Ramsay, potter, and Adame Ramsay, his sone ;

Archibald Hegate, for dowbill apostacie, efter he had first put handis in ane Minister, sua thrise excommunicat; Sir Henrie Oswald, within the parochin of Strageith, excommunicat for papellrie, be Mr James Burton in Peblis, the fourt of Marche 1592; Sir William Blakwod in Dumblane, excomminicat for papellrie; Robert Clerk in Ochterardour, excommunicat for incest with Elspet Scot, be Mr John Bondronne, Superintendent of Fyff; Hew Barklay, Laird of Ladieland, apostat; James Mcquirrtie, Vicar of Kinkarth in Boit, excomminicat apostat.

Names of Kirkis vacand in Angus and Merns:

Inchstroir, Abernyt, Innergourie, Logedundie, Lundy, Streikmarteine, Inneraritie, Bendoquhy, Ruthven, Glenyla, Glamis, Esse, Cloday, Lyntrathin, Athie, Methie, Tannardais, Aldbar, Inchbraik, Newdesk.

Kirks within the Synodall of Glasgow vnprouydit:

Kilmarnonnok, Killarne, Balfrone, Strablane, Cardros, Inchcalzell, Baldernock, Paiflay.

The Kirks provydit with men, bot wanting fipend be vertew of the lait erec<sup>t</sup>ioun of the teindis of the Abbacie of Paiflay in temporiteis:

Hammiltoun, Glaffurd, Stennous, Blantyre, Schottis, Dalserff, Lanrick, Pettenone, Tankertoun, Robertoun, Bigger, Crawfurd Johne, Crawfurd Lyndfay, Dolphingtoun, Covingtoun.

The names of the Kirks vnplantit within the bounds of the Mers:

Lammertoun, Fischirwiche, Swintoune, Symprene, Hourden, Fog, Greindlay, Stitchell, Nenthorne, Hwme, Baffenden, Ednem, Cranschewis, Ellem.

Kirkis vacand within the Presbiterie of Dumblane:

Abirfuill, Kilmahuge, Callendar, Leny, Port, Kilbryd, Balquhidder, Comrie, Tullicheddilly, Sowan, Monivard, Stragethe, Kinkell, Abirruthven.

Kirks vnplantit within the Presbiterie of Dunkeld:

Straphillan, Killin, Ardrum, Inchechadden, Vemis, Pitcharene alias

Grantilly Kirk, Brenmore, Kilchonnane, Murtrigan, Rannoch, Strowand, Blair in Atholl, Ludeskil, Manenok, Fos, Mulinne, Finlarg, Mennoche, Doualie.

In the laich land : Logybryd, Ochtirgawin, Kinclevin, Capeth, Lochindy, Blair in Gowrie, Glenschie.

Kirks vacand in Cathnes : Thurso, Wick.

In Orkney : the Southamtoun Kirk, North Rannaldsy.

In Zetland : Auchindenrie, Burra, Bressy, Nesting, Lunafling, Olnafirth.

Names of the persouns quhilks ar to enter in the Ministrie.

Mr Andro Mortoun, Mr James Spalding, Mr Dauid Balcome, Mr Dauid Lyndsay, Mr James Eliot, Mr Johne Young, Mr Bartle Robertfoun, Mr John Dwrie, Mr Johne Ogilbie, Mr Charles Walwod, Mr George Vishard, Mr Adame Walker, Mr William Simfone.

Anent the summonds direct be the brether of the Presbiteries of Glasgow aganis Cland Commendatour of Paifay and his Laidy, to compeir in this Assemblie this day, with continuatioun of dayis, to anfuer for the sacriligious bereving of the Kirk in erecting of the haill rents alsweill teinds as vther in ane temporalitie, as the summonds dewlie execute beirs ; quhilk being callit afor and efter noone, nane compering, the Kirk supersedit thair proceeding this day, quhill thay sie gif ony git compeirs to anfuer.

Acta Sessio 7<sup>a</sup>. 27 Aprilis 1593.

In prefence of the haill Assemblie, compeirit Schir James Meluill of Halhill, ane of the Commissioneris fpecialie direct be his Majestie to compeir in his Hienes name as commissioner, and presentit his Majesties missiou direct to that effect, with certane articles, and ane a<sup>c</sup>t of Parliament for instructing therof, quhilk the Assemblie thocht meit priuatlie to be considerit be certane brether, quha wer appointit to confer with his Majesties Commissioner, and to that effect wer depefchit out of the Assemblie to advyse and gif thair opinioun at thair returne, to witt, Mr Robert Bruce, Mr Robert Pont, Mr Andro Meluill, Mr James Nicolson, Mr Peter Blackburne, Mr James Meluill, the Laird of Cammo, and Commissioners of Edenburgh :

Quha returning, red the articles and thair anfuers, quhilk the Kirk approuit; ordaining the faids articles, anfuers thereto, and act of Parliament to be registrat in the Register of the Kirk; quherof the tenour herin is fett down as followis :

The Articles proponit in his Majesties name to the Generall Assemblie, presentlie conveinit at Dundie.

His Majestie declares, that in respect he cannot of honour sie the privelidge of his crowne hurt, therfor he will have regard to have the act of his last Parliament keipit concerning the conveining of Generall Assemblies be his Majesties appointment; willing them heirfor, befor thair skailing, to direct two or thrie of thair number vnto him, to defyre him to appoint the day and place of their nixt conveining.

Secondlie, His Majestie defyres them to make ane Act of thair Assemblie, prohibiteing all and everie ane of the Ministrie, vnder the paine of deprivatioun, to declaime against his Majestie or Counsellors proceedings, in pulpitt, not only in respect of his Majesties knawin good intentioun for the furth setting of pietie and justice, bot lykeways because his Majestie at all tymes gives readie acceste and loving eare to fundrie of the Ministers, to informe, dilait or complaine, either in their awin name or in the name of any of the rest of the brether.

Thirdlie, His Majestie defyres them to appoint and put on leit, fyve or sixe of the discreiteſt of the Ministrie, that his Majestie may make choife of twa of them to serve in his houſe, in respect of Mr Craig his decripit age.

Fourthlie, Seeing that the ſtanding of the religiouſ and the weelfare of his Majesties perfon are fo vnfeparable joynit, as quhooevir are enemies to the ane are comoun enemies to both; fo his Majestie defyres, that through all the Prefbitries of this countrey, ther falbe ſome appointit to advertile and informe his Majestie heiraſter, with diligence, for the more ſpediſt remedie, not only of quhatſumevir practiſes they can learne, in any wayes, of Papifts and Spaniſch factiounſ, but also of the receipts and practiſes of Bothwell, quherof they can have any knowledge; whose heale courses, as they are direc̄tly aganis his Majesties perſone, fo whollie they tend to the ſubverſioun of the whole religiouſ: With direc̄tioun also to them to informe the haill Barrons, and honest men moſt tenderers of his Majesties

welfare, to give ever such faithfull intelligence of the saids practises as they can learne from tyme to tyme.

Fyftlie, His Majestie defyres, that through all the countrey, quher ther is any ports or landing places, that ther be some of the brether speciallie appointit to deale so with the burghes, that they may take good and suffici-ent tryall, according to his Majesties law made theranent, of all these quho shall heirafter come in, or passe furth of this countrey, quherfra they are come, or quherto they are bound ; quhat is thair trafique and intentioun to doe : and swa after good and sufficient tryall, if ther be any thing of weght and importance, that they on na wayis faile to make his Majestie acquaint therewithall, to the effect his Majestie may the more easilie discover quhatsumevir forraine or civil præctises is or salbe in heid aganis the present state of the religiou : And this he craves to be done so faithfullie, as he hes good opinioun of gour earnest affectioun, no les in the preservatioun of his Majesties awin person as in the defence of the comoun cause ; as alfo he promises to aide and assist gow in all [and] quhatsumevir gour good resolu-tions, that may tend to the furtherance of peace and quyetnes ; with the advancement and mainteinance of the religiou prefentlie profeſt in this realme.

Humble anſuers of the Generall Asſemblie to the Articles proponit be his Majesties Commissioners to the ſame, at Dundie the 27 day of Apryle.

First, The Article concerning the conveining of the ſaid Generall Af-femblie is aggriedit vnto, according to the tenour of the act of Parliament prefentit with the ſaids Articles.

As twiching the ſecond Article, It is ordainit be the haill Kirk, that no Minister within this realme vtter from pulpitt any rafch or vnreverent ſpeaches aganis his Majestie or Counſell, or thair proceidings ; but that all thair [publick] admonitiouns proceid vpon just and neceſſar caufes and suffi-cient warrand, in all feare, love and reverence, vnder the paine of depoſing ſuch as dois in the contrair, from thair functioun and office in the Miniftrie.

As to the 3 Article, The Kirk aggrieſtherto, and ſpeciallie anent the proviſioun of Ministers aue or mae to his Majestie ; that certaine be nomi-nat be the Commissioners direcēt to his Grace be his advyce, of quhom his

Majestie may make choise : and the brethren to be lykit of his Majestie, to be placit and admittit be the Presbytrie quher his Grace falbe resident for the tyme.

As concerning the 4 and 5 Articles, The famein are condiscendit to and ordour takin, as his Majestie falbe particularlie informit be the saids Commissioners.

Follows the tenour of the Act of Parliament.

In the Parliament haldin at Edinburgh, the 5 day of Junij 1592 geirs, our Souerane Lord and Estaitis of this prefent Parliament, following the lovable and gude example of thair prediceffouris, Hes ratifiet and apprexit, and be the tennour of this prefent act, ratifies and apprevis all liberties, priuileges, immvnities and fredomes qulatfumeuir, gevin and grantit be his Hienes, his Regentis in his name, or onie of his prediceffouris, to the trew and bally Kirk presentlie establisht within this realme ; and declairit in the first Act of his Hienes Parliament, the twentie day of October, the geir of God ane thoufand, five hundred, three-fcoir ninetene zieris ; and all and whatsumeuir actis of Parliament, and statutes maid of befoir, be his Hienes and his Regentis, anent the libertie and fredome of the faid Kirk : and speciallie the first act of the Parliament haldin at Edinburgh, the twentie four day of October, the geir of God ane thoufand, five hundred, and four fcoir ane zieres, with the haill particulare actis thairin mentionat, Qubilk fall be als sufficient as gif the samyn wer herin exprest ; and all vther actis of Parliament maid sensyne, in favouris of the trew Kirk ; And fiklyk, ratifies and apprevis the Generall Affemblyes appoynted be the faid Kirk ; and declairis, that it falbe lauchfull to the Kirk and Ministrie everilk geir, at the leift, and ofter pro re nata, as occasioun and necessitie fall require, to hold and keip Generall Affemblyes : Providing that the Kingis Majestie, or his Commisioner with thame to be appoyntit be his Hienes, be present at ilk Generall Affembly befor the dissolving thairof, nominat and appoint tyme and place, quhen and quhair the nixt General Affembly falbe haldin : and in caife nather his Majestie, nor his faid Commisioner, beis present for the tyme in that toun, quhair the faid Generall Affembly beis haldin, Than, and in that caile, it falbe lesun to the faid Generall Affembly, be themselffis, to nominat and appoyn特 tyme and place, quhair the nixt Generall Affembly of the Kirk falbe keipit and haldin, as

they haif bene in vse to do thir tymes bypast. And als ratifies and apprevis the Sinodall and Provinciall Asssemblies, to be haldin be the said Kirk and Ministrie, twyis ilk geir, as they haif bene, and ar presentlie in vse to do, within euery Province of this realme; And ratifeis and apprevis the Prelbyteries, and particulare Sessionis, appoyntit be the said Kirk, with the haill iuridiction and discipline of the fame Kirk, aggreit vpon be his Majestie, in conference had be his Hienes with certane of the ministrie convenit to that effect: of the quhilke Articles the tennour followis.

Materis to be intreatit in Provinciall Asssemblies: Thir Asssemblies ar conffitute for wechtie materis, necessar to be intreatit be mutuall consent and affiance of brethrene within the Province, as neid requyris. This Assembly hes power to handle, ordour, and redreffe, all thingis omittit or done amiss in the particulare Asssemblies. It hes power to depole the office beraris of that Province, for gude and just causeis deferving deprivatioun: And, generallie, thir Asssemblies hes the haill power of the particulare Elderschippis, quhairof they ar collectit.

Materis to be intreatit in the Prelbyteries: The power of the Prelbyteries is to give diligent laubouris in the boundis committed to their chaire, That the Kirkis be keptit in gude ordour; To enquire diligentlie of nauchtie and vngodlie perfonis, and to travell to bring thame in the way agane be admonitioun, or threatning of Goddis jugementis, or be corre<sup>t</sup>ioun. It appertenis to the Elderschip, to tak heid that the Word of God be purlie preachit within thair boundis, the Sacramentis richtlie ministrat, the Discipline intertenyt, and the Ecclesiasticall guidis vncorruptlie distributit. It belangis to this kynd of Assambleis, to caus the ordinances maid be the Assambleis, Provincialis, Nationalis, and Generallis, to be keptit and put in executioun; to mak constitutionis, quhilke concernis *το πεπον* in the Kirk, for decent ordour in the particulare kirk quhair they governe; Provdyding that thay alter na rewlis maid be the Provinciall or Generall Asssemblies: And that they mak the Provinciall Asssemblies fairfaidis, privie of the rewlis that they fall mak, and to abolishe constitutionis tending to the hurt of the fame. It hes power to excommunicat the obstinat, formale proces being led, and dew intervall of tymes obseruit.

Anent Particulare Kirkis, Gif they be lauchfullie rewlit be sufficient ministeris and sessioune, they haif power and iuridiction in their awin Congregatioun, in materis Ecclesiasticall. And decernis and declaris the said Assambleis, Prelbyteries, and Sessiounes, Jurisdiction and Discipline thairof

foirsaid, to be in all tymes cuming, maist iust, gude, and godlie in the selff, Notwithstanding of quhatfumeuir Statutis, Actis, Cannon, Ciuite, or Municippall Lawes, maid in the contrair; To the quhilkis and every ane of thame, thir presentis fall mak expres derogatioun:

And becaus thair ar diuers Actis of Parliament, maid in favour of the Papificall Kirk, tending to the preiudice of the libertie of the trew Kirk of God, presentlie profellit within this realme, juridiction, and discipline thairof, quhilk stands zit in the buikis of the actis of Parliament, not abrogat nor annullit: Thairfair his Heines and Eftaittis foirsaidis hes abrogat, easlit, and annullit, and be the tennor heirof, abrogatis, easlis, and annullis all Actis of Parliament maid be ony of his Hienes Predecessouris, for mantenance of superflition and idolatrie, with all and quhatfumeuir Actis, Lawes, and Statutes, maid at ony tyme, befoir the day and daiz hereof, aganis the libertie of the trew Kirk, jurisdiction, and discipline thairof, as the famyn is vfit and exerceisit within this realm.

And in speciall, that pairt of the fevint act of Parliament haldin at [Streviling, the fourt day of November, ane thoufand four hundredth, fourty three] geiris, commanding obedience to be gevin to Eugin the Pape for the tyme.

The j<sup>e</sup> and xj<sup>e</sup> act made be King James the thrid, in his Parliament haldin at Edinburgh the twenty fourth day of Februar, ane thoufand, four hundredth, fourfeor thrie geiris; and all utheris actis quhairby the Paipis autheritic is establisht.

The 47 act of King James the third, in his Parliament haldin at Edinburgh, the [twenty day of November, ane thoufand, four hundredth, three scor nine] geiris, anent the Satterday and uther vigillis to be hally dayes from Evin sang to Evin fang.

Item, That pairt of the 31 act maid be the Quene Regent, in the Parliament haldin at Edinburgh, the first of Februar ane thoufand, five hundredth, fifty ane geiris, Geving speciall licence for haldin of Pashe and Zule.

Item, The Kingis Majestie and Eftaittis foirsaidis declairis, that the secund Act of the Parliament haldin at Edinburgh, the xxij day of Maij, the geir of God ane thoufand, five hundredth, four scoir, four geiris, fall naways be preiudicall, nor derogat anything to the priuilege that God hes gevin to the spirituall office beraris in the Kirk, concerning headis of religioum, materis of heresie, excommunicatioun, collatioun or deprivatioun of min-

isteris, or ony sikh essential censouris, speciall groundit, and havand warrand  
of the word of God.

Item, Oure said Souerane Lord, and Estaittis of Parliament foirfaidis, abrogatis, cassis, and annullis, the XX act of the fame Parliament haldin at Edinburgh, the said geir, ane thousand, five hundredth, fourscoir, four geiris, granting commission to bischoppis and vtheris iuges, constitute in ecclesiasticall causes, to ressaue his Hienis presentatioun to benefices, to gif collatioun thairpon, and to put ordour in all caufes ecclesiasticall: quhilk his Maiestie and Estaittis forefaidis, declaris to be expyrit in the self, and to be null in tyme cuming, and of nane availl, force, nor effect. And thairfoir ordainis all presentationis to benefices, to be direct to the particular Presbyteries, in all tyme cuming; with full power to thame to giff collationis thereupon; and to put ordour to all materis and caufes ecclesiasticall, within thair boundis, according to the discipline of the Kirk: Providing the foirfaidis Presbyteries be bund and afrietit to ressaue and admitt quahfumeuir qualifiect minister presentit be his Maiestie, or vther laic patrounes.

Ordanis the Presbitries quhilk as git hes not gottin in the voluntare contrubutionis within thair bounds appointit for the Kingis garde to travell diligentlie therin, and quhat beis refusait to caus be fend to Edinburgh to Alexander Lawson, with the names of sik as refusis, and maks not payment betuix and the last day of May nixtocum.

As to James Anderson xv merkis, his  
the Minister of Dundy xxij*ii*, Mr Wm Methven for Dwns xxij*ii*,  
and laft ordans thame to caus the fame be deliuerit to the faid Alexander.

Anent the supplicatioun of the paroch of Derfy.

(Take in the bill and answer.)

Ordaines supplicatioun to be maid in Parliament, that in all kirkis, alswaill Abbay and Cathedrall Kirks, as vtheris quhatsumever, quher ather the haill parochin is kirkland, or ane part therof onelie, and ther has beine nather manfe nor gleib knawin to apperteyne thereto of auld, or gif ther hes beine ony, and the same nocht extendis to fowre aiker of land, That the Estaitis of the Parliament mak the act asfor concerning the designationoun of manfles and gleibis to be extendit to all the forlaid kirks, and that ther be four aiker of kirk land delignit and grantit to the Minister maist commodious and ewelt the kirk, quhidder ther hes beine na gleib ther or not, or ane part onelie, not extending to four aiker of land.

The Generall Assemblie of the Kirk gives full power to the ryght honorabill George Erle Marschell, the Laird of Doune, gounger, the Laird of Cors, elder and younger, the Provest of Aberdeine, Allexander Rutherforde, Alexander Cullane, burges ther, Mr Andro Meluill, Recktor of Sanct Androis, Mr Robert Pont, Mr Dauid Lyndsay, Mr Peter Blackburne, Mr Dauid Cwynynghame, Mr Johne Johnestoun, Mr Thomas Buchannane, Mr Johne Spottifwod, Ministeris of the Evangell, Mr Robert Wykrie, Principall of Sanct Leonards, or to the maist part of the faid bretherne, to conveine togidder, and visit the Colledge of Auld Aberdeine, ther to try and examine the doctrine, lyfe, and diligence of the Maisteris therof; discipline and ordour visit be thame; as als the ftait of the rent of the saids Colledges: And quher thay find abuis, sa far as thay may possiblie, to reformie; remittand to the Assemblie sick thingis as thay can not, to be takin ordour with be thame: and this tryell to begin the last day of August nixt; ordaining, in the meane tyme, that quhill thair cumming that na novatioun be maid ather be setting of new taks, confermeing of auld, or electioun of ony new Maister; and all things to stand ower in the estait thay ar in presentlie: firme and stable halding and for to hald all and quhatsumever the saids brether or maist part of thame in the premisses lanfullye to be done: and ordaines thair proceedingis to be reportit to the nixt Generall Assemblie of the Kirk.

Acta Sessione octana, Eodem die.

Anent the provisioun of the Kirk of Lucheris: In respect the haill Assemblie hes nominat Mr Johne Kynnier to be presentit to the saids parochineris be the Presbiterie of Sanct Androis to be thair Paftour, and to be tryit in doctrine, lyfe and conversatioun; and gif the saids parochiners hes na just of his refusall, to be admitit be the faid Presbiterie to the ministrie of the said kirk.

Anent Colledges and rentis therof: The Assemblie hes ordaneit that na dispositioun of the leving and rentis therof, be tak or vther titile, be maid without the adwyse and consent of the Assemblie Generall, vnder the pane of depositioun of the perfouns doing in the contrair.

Anent the residence of Ministeris: For furthering of the residence of sik Paftours as for lack of mansfes are not resident, it is resoluit and aggredit

that every parochin, quher the Pastours manfe is owther rowinous or alto-  
gither laikes, be ordainit to repare and build the famein manfe vpon thair  
awin expences, with stane, timber, and all vther materialls, workmanschifp,  
cariage, and vther things neidfull for the repairing and bigging therof ;  
quhilk if they failgic and refuse to doe, being dewlie requyrit, they fall not  
only, so many as refusis, be baldin be the Kirk the haill caufe of thair  
Pastours non residence, bot also it falbe laufull to the aires, executours and  
affignays of the Minister or Reider departing, or himselfe during his  
tyme, to retaine the posseſſioun of the mans buildit be him, in eace he  
build the famein vpon his awin expensis after the refuseall of the parochi-  
ners, ay and quhill the [next] intrant Minister or Reidar refound to him,  
his aires, executours and affignayis, the haill expensis made be him for  
repairing and building, at the leift so mikle therof as the parochin cannot  
be movit to refound ; and that the Presbytrie, at the intrants admisioun,  
fall take ordour for the performance [heirof] ; provyding that the expensis  
[to] be made be the laid Pastour or Reider exceed not fourre hundred  
marks ; and that the Presbytrie, after the repairing or bigging of the faid  
mans, tak the exact tryall and compt of his [faid] expensis, and give him  
thair allowance thervpon, to be registrat in thair bookeſ : And this aet to  
extend to them afweill that are alyve and hes alreadie biggit, as to them  
that are to bigge and repaire heiraſter. And lykewayes the ſecond and  
thrid Minister or Reidar, and conſequently the fuccellours to the Ministers  
quher the mans is biggit, fall have the lyke title to crave of the intrant after  
him the faids expensis, quhilk he hes depurſit to his predeceſſlours, ay and  
quhill the parochiners redeime and outquyte the faid mans or biggings  
therof, to be made frie therafter to the intrant Minister or Reidar.

Ordaines Mr Samell Chalmer to report the anſueris of the Kirk to his  
Hienes articles.

Anent the visitatioun of the buik of deligence producet be Mr Robert  
Pont concerning his visitatioun of the bounds of Orknay, Zetland &c. :  
The bretherne appointit to ſichting therof, reportit thay had found great  
deligence vſit be him, and all thingis orderlie proceidit in vling his faid  
commisioun ; and therfor the faid Affemblie approveit his faids labouris  
and all things done be him in the faid vilitatioun, and ſpeciallie in depoſing  
of the perſouns not making reſidence.

Anent the proces producet be the Presbiterie of Stirling concerning  
the mater of the parochiners of Eglifhame : The Kirk ordaines thair

brether, Mr Robert Pont, Mr Andro Meluill, to visit the proces and gif thair judgement to the Assemblie the morne at meiting.

Ane writting being presentit in the behalf of my Lord Sempill, haveing credit gevin to him therin: The Assemblie ordaint his credit to be commynicat to the brether of the Conferance the morne.

In respēt the Kingis Majestie his Commisioner is to depart for certane adois, thairfor the Assemblie, in his prefence, hes appointit thair nixt Generall Assemblie to be at Edinburgh the first Twyfday of May cum ane geir.

Acta Sessione nona, octauo Aprilis 1593.

Anent the supplicatioun presentit to the Assemblie be the Laird of Vrie, and Harry Drummond, burges of Aberdeine, defireing ane continewatioun of tyme to confer with bretherne, and to be resoluteit with the heids of religioun, that thereafter thay may subscrybe the Confessioun of Fayth; and silyk, anent the suite maid be Mr Thomas Menzeis, burges of Aberdeine, to reslave his confessioun and subscryptioun of the articles of religioun presentlie profestit within this realme: The said Assemblie and Commisioneris present haveing advysit therwith, hes ordinet the saidis perouns to resort to the bretherne of the Presbiterie of Edinburgh, to confer and be resoluteit in all doutis thay have concerning the said religioun; and being resoluteit, to satissie the said Presbiterie in all things, according to the ordour to be takin be thame, to quhome the Kirk gevis power to tak ordour theranent; and in caice thay satissie the said Presbiterie, as said is, that thay gif to thame ane testimoniall of thair satissacioun; cautiouн always being first takin befor the Kings Majestie and his Counfell for performeing of fick thingis as thay fall promes and subscryve to do to the said bretherne: and that ane writing be direct frome this Assemblie, informand the Erle Merschell of thair proceedingis heirin.

Anent the proces deduceit be the Presbiterie of Stirling in the mater concerning the parochiners of Eglishame and Mr Andro Boyd: The Generall Assemblie of the Kirk hes ordinet and ordaines that thair brether John Porterfeild, and Mr Andro Knox travill erneſtlie and effectioulie, in name of the baill Kirk, with the Maister of Eglintoun in fauoris of the said Mr Andro, that, gif it be poſſible with his guid will and fauour,

the said Mr Andro may serve at the Kirk of Eglisfame, but trubill or impediment to be maid to him in ony fort, and that with all guid diligence : And in caice the Maister can not be moveit heирto, that the faid breither mak intimatioun of his resuffell to the bretherne of the Presbiterie of Edinburgh, to quhome the Kirk gevis power to tak ordour therin as thay fall find best for the weill of the Kirk and the glorie of God.

Forsamekill as ther is ane Parliament to be haldin shortlie in Junij next, quhervnto many thingis concerning the Kirk ar to be proponit, and that the full Assemblie can not be conveinit therto, in respect of the Assemblie now haldin ; thairfor the haill Assemblie hes ordanit that ane broder or tua be direct from everie Presbiterie within this realme, to conveine the tyme of the Parliament in the place quher the same salbe haldin, to consult, treit, resone and conclud, vpon sik heids, articlis, petitionis, and supplicatiounis, as thay fall think meitt to be craveit and concludit be consent of Parliament, for the glorie of God, and for the weil and confort of his Generall Kirk within this realme : Quhilkis bretherne fall have the power of the faid Generall Assemblie, and proceid as the fame mycht do gif the haill number wer present.

The quhilk day, efter the reasouns war hard and discussit, contenit in the appellatioun presentit to the Generall Assemblie be Mr Andro Zoung, Minister at Dumblane, the Generall Assemblie ordanes the Presbitrie of Dumblane to be transpōrtit to Ochtirardour, with libertie to the bretherne of Dumblane appeiling to resort ather to Auchterardour or Stirling, as thay pleis ; provyding alwayis, that in caice the gentill and nobill men quha hes subscryvit to afflit the Presbitrie in Auchterardour, or vthers that fall happen to subscryve the same heirester, gif instru<sup>c</sup>tione to the bretherne to compleine of breking thair promcis ; and forder, in caice the Kirk of Auchterardour be not repaired sufficientlie betuix and the nixt Generall Assemblie ; or in caice ane sufficient stipend be not provydit for ane Minister, that he may mak residence at Auchterardour with manse, gleib : In thir caices or ony of thame, the Presbitrie salbe reestablishit in Dumblane ; and ordanis the Presbiteries of Stirling and Perth to establishe the faid Presbiterie in Auchterardour vpon Thursday cum xv dayis, and constituite the famyn of the kirks containit in the roll of the Synodall Assemblie ; libertie being alwayis referuit to the breder of Dumblane, quhider thay will cheis to be of the Presbitrie of Auchterardour or Stirling.

Forsamekill as in the Synodall Assembleis the buiks of particular Presbi-

teries are tryit and visitit ; and heirtosfor the buiks of Synodall Assambleis hes not beine tryit in the Generall, quhilk appearit to the haill breder to be necessar : Thairfor it is concludit, that, in tym cuming, to everie Generall Assambleie the buiks of the Synodall Assambleis salbe direct be the Synodallis, to be fychtit and confidderit in the Generall Assambleie, for vnderstanding the better of thair proceedingis, vnder the pane of the sen-four of the Kirk.

Anent the actis of the Kirk : That everie Presbitrie may be the better instrnctit therin, the Kirk hes ordinit Mr James Carmichell, quha hes alreddie tane sum paneis in correcting therof, to perfyte the work, and to present the same to the nixt Generall Assambleie of the Kirk.

The General Assambleie of the Kirk gevis libertie to transport Mr Henrie Guthrie fra the Kirk quher he serves to ony vther kirk within thair bounds quher his giftis may be best imployit ; and in caice thay do not the same, gifis libertie to the Prefbiterie of Angus and Mernes to transport him to ane kirk within thair bounds, with his awin advyse.

Anent contraverfeis betuix the bretherne of the Ministerie : For vptakin therof, it is resolutit and concludit be the haill brether and Commisioneris present, that quher ony pley or contraversie arryfis betuix tua brether of the Ministerie, thocht it be in ciuell materis, gif thay bayth be of ane Presbiterie, that thay elect breder of the faid Presbiterie, to quhat nymer thay think best, quha fall chose ane ouirman, and summerlie defyde and gif sentence in the mater, quhilk falbe irrevocabill, and na appellationoun to be interponit therfra : And gif thay be of diuerse Presbiteries, that thay lykwayis mak electionoun of bretherne of ather of the Presbiteries in equall nymer, as the laidis contendensis fall aggrie ; quhilk breder fa elecit fall cheis ane ouirman, and defyd and gif sentence, as faid is, fra the quhilk na appellationoun falbe interponit ; and gif ony broder wilbe wilfull and refusis this forme and submissiou, he falbe haldin be the Kirk contumax. And that this act be put in execuicoun presentlie for decisioun of the contraversie betuix James Andersoun and Mr Henrie Guthrie.

The Generall Assambleie hes gevin commissiou and express command to the bretherne of the Presbiteries of Glasgow and Paislay, with all possiblie diligence, efter the disolwing of this present Assambleie, to charge Robert Lord Semple to separat and divyd fra him and out of his bounds, viz. out

of Cunnyngbame and the Schireffdome of Ranfrow, Helene Drummond, adultrix; and that in caice the said Lord be tryit to be fund in suspe<sup>c</sup>t place with the said Helene in ony tyme cuming, athir within or without his bounds, or fcho not to be removet, as said is, the faids Prelbitereis to proceid aganis the said Lord and Helene to excommunicatioun, and pronounce the said sentence aganis thame bayth, vpon their difflobedience, the famyn being tryit ordourlie befor the faids Presbitereis: as also that the saidis Presbitereis proceid in forder tryell of the faids Lords apostacie, and contempt of the Word; and fynding him giltie to injoyne sic discipline  
him as may remove the fllander, and to command him to obey and fulfill the fame, or ellis vpon his refusell to excommunicat him.

Ordaines the Presbiterie of Perth to tak ordour for transportring of Mr James Row to sum vther kirk with his awin advyse, with the first opportunitie betuix and the next plat.

Anent the Ministerrie of Sanct Androis. Memorandum, The act is lyin in forme amang the rest, quhilk shold be registrat.

The Generall Assemblie of the Kirk, be the authoritie gevin to them be God &c. Memorandum, To insert the laid act. It is lyin with the rest.

Forsameikill as in ansuering of billis gevin in vnto the Generall Assemblie often tymes for lack of knowledge of the flatit of the complents, ansueris ar gevin thairto reklellie to the preuidice of bretherne: thairfor for remeid therof in tyme cuming, that the Commisioners of tha parteis quherin the complents ar maid, gif they be present, be callit be the breder appointed to the ansuering of the bills, for thair better informatiou.

Anent the Ministrie of Sanct Androes: The Generall Assemblie ordaines and appoints Mr David Black, Minister of Sanct Androes, to discharge the duetic of a laufull ordinar Paftour therin, in preaching the Word, ministratioun of the sacraments, and exercise of discipline, so farre as he is able to doe, according to the measure of his gifts that God hes bestowit on him: And to the intent that the said Mr David may, with fruit and confort, travell in the said ministrie, the said Assemblie ordaines the said Mr David to give in to the Presbitrie ther such things as he wald have furtherit and brocht to passe for the weill of the said congregatioun and ministrie therof, to the performance quherof the said Presbitrie fall indevore themselves to thair vttermo<sup>f</sup>t, having befor thair eyes the honour of God, the weill of the peiple and towne, and the easse and peace of thair awin

consciences; vnto the quhilke Prefbitrie this [present] Assemblie grants and committs thair full power and authoritie for that effect. And because the said Mr David is not able to entir in that charge alone, the said Assemblie hes nominat Mr Robert Wallace, for the speciall meitt qualties they know to be in him, to be associat with the said Mr David, as ane fellow labourer in the ministrie forsaide; givand full commissioun to the Prebytrie to try the consent of the haill towne and Vniverfitie of Sanct Androes, concerning thair lyking of the said Mr Robert to be associat in the ministrie, as said is; and finding no reasonable cause [allegit and] verified againis the said Mr Robert, in lyfe or doctrine, quherfor they fould not give thair consent and approbatioun to the said Mr Robert, for the cause mentionat, bot the most part of the towne and Vniverfitie consenting to his refait, the Generall Assemblie ordaines [the said Prefbitrie] to associat and place the said Mr Robert, fellow labourer in the ministrie of Sanct Androes, with the said Mr David Black; and the said towne of Sanct Androes to pay the said fellow labourer his stipend thankfullie, according to the promise made in Synodall and Generall Assemblies. And in cace the most part of the said Towne and Vniverfitie consent not to the receiving of the said Mr Robert, the Kirk gives libertie to the said Mr David, with the advyce of the [said] towne, to choofe ane brother of quhom they may both have lyking: And to the intent this ordour takin with the Ministrie of Sanct Androes as is above fett downe, may be the better performit and settlit, the said Assemblie gives commissioun to Mrs Robert Bruce [and] David Lindsay, coniunctlie and severallie, as thair adois and occasiouns may permitt, to visite the said Kirk of Sanct Androes in thair returning from the Assemblie, and travell with the whole number of the said Kirk, for putting of thair ministrie to ane peaceable stay and ordour; as also to sie that quhilke is decernit in this Assemblie concerning the landwart, to be forderit and brocht to pas, and for quyeting the estate of the towne.

Mr William Cock, Commissioner, for the Proveft, Bailgies, and Counfell of the towne, disaffentit from the nominatioun of Mr Robert Wallace.

The Generall Assemblie, be the authoritie givin to them of God, discharges all and every Christian within the Kirk of Scotland, from repairing to any of the King of Spaine his dominions quher the tyrranie of Inquisitioun is vsed, for traffique with merchandice, negotiatioun, or exerce of

fea fairing occupatioun, vntill the tyme the Kings Majestie, be the advyce  
of the Counsell, hes focht and obtainit spciall libertie and licence from the  
King of Spaine for all his liegis and subiects, to traffique in merchandize,  
and occupie within the haill pairts of the faid King of Spaine his domi-  
niouns, without any danger to thair perfone or guds, for the cause of thair  
religioun or confcience, vnder the paine of incurring the censures of the  
Kirk, untill the laft sentence of excommunicatioun. \*

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\* The proceedings of this Assembly, with the exception of the two last articles, are printed  
from a Manuscript in the possession of the Very Reverend Principal Lee, which appears to be the  
original Minutes in the handwriting of one of the Clerks of the Church.

A. D. M.D.XCIV.

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THE Generall Assemblie of the Kirk of Scotland conveinit at Edin-  
burgh, the 7 day of May 1594 geirs.

Exhortation beand made be Mr David Lindefay, laft Moderatour, the  
Assemblie proceidit to the elec<sup>t</sup>ioun of ane new Moderatour ; and appoint-  
ing the leits, Mrs Andro Melvill, Patrick Galloway, Patrick Simfone,  
Robert Pont, the said Mr Andro was chofen hac vice.

Sessio 2<sup>a</sup>. 8 Maij.

The necesfltie of the tyme, and affaires quhilk are to be intreatit, being  
confidderit be the Kirk, it was concludit that no brother having commis-  
sion to this Assemblie depart from the samein, befor the finall dissolutioun  
therof, without licence obtainit therfra vnder the paine of suspensioun  
from thair office, vntill they be reponit be said Generall Assemblie therto  
againe.

And as concerning the penaltie of Commissioners that comes not to the  
Assemblie at all, or remaines not quhill the end therof, ordaines the Regis-  
ter to be confidderit, quhat hes bein statute already, and to report after-  
noone.

Sessio 3<sup>a</sup>. Eodem die.

Anent the citationum of James Drummond, Oliver Jong, James Adie, John Reid, Patrick Justice, William Hall, indwellars of Perth, at the instance of the brethren of the Presbitrie ther, for the slanderous refeting of the apostats Lords within thair towne: The saids perfons compeirand, and inquirit, If they receipt the saids Lords, and acknowledgit therin simplie ane offence done to God and his Kirk, ansuerit, They receipt them, bot against thair will, and for obedience givin to the Kings charge; alwayes befor the comeing of the charge, the greateſt part of the towne had condiscendit to receive them: and being urgeit with the promise they made not to receive them, and violatioun therof, ansuerit, That promise of afflitione was made to them and not keipit. After quhilk ansuer, being removit, and certaine good brethren direct to conferre with them, and re-entering, they for themselves, and in name of the haill toun, confess to the glorie of God and fatifaction of the Asſemblie, that they were over rash and sudden in receiving ſuch notorious enemies to God, defyng moſt earneſtlie that no man be flanderit or take evill example therby; protesting before God, they entrith in the towne againes thair hearts that are preſent heir, promifeing, be Gods grace, nevir to give occaſion in tyme comeing, and to affift and mantaine the true Kirk of God and his religionn profet publicklie within thiſ realme, and to refiſt the enemies and adverſaries therof to the vttermoſt of thair power, and to obey and put in execution, fo farre as concerneſ thair duetie, the ordinances of the Kirk aggrieing with the Word of God: Quhilk profellioun they gave in wryte, and ſubſcrivit the famein with thair hands, fo many as could wryte, in preſence of the haill Kirk; quherwith the brethren flanding content, ordainit the Miſter of the towne of Perth to publishe the famein in pulpit, and to declare the fatification of the Asſemblie theranent; ordaining also the actis concerning thiſ offence, registrat in the bookeſ of the Presbitrie, and proceſſe deduceit therin againſt the towne, to be obliterat and put out of the Register.

Seffio 4<sup>a.</sup> 9 Maij.

Anent the sentence of excommunicatioun pronouncit be the brethren of the Synodall Assemblie of Fyfe [in October,] against the apostat Lords : The haill Assemblie, in ane voyce, ratifies and avowis the said sentence, and proces of excommunicatioun led against them ; ordaining the haill Pastours within this realme, to intimat solemnlie at thair kirks the said sentence, that none pretend ignorance of the same ; except Alexander Lord Hoome, quho hes satifified the Kirk, and is relaxit therfrom.

Forfameikle as particular inquisitioun hes been made of the Presbitries, concerning thair diligence for extirpacioun of Papistrie, discipline vsed against them, and receipts of excommunicats and Jesuites and Seminarie Priests, querthrow the danger evident to the true religioun and the Kirk of God may be rightly weyed, It was thocht meit to take a consideratioun of his Majesties indevore and of the haill Kirks forder in this matter ; quherin, first, sindrie of his Majesties good ettlings were laid down, fpeciallie at the raid of Aberdein, quherin his Majestie, Noblemen and Barrons, conveinit, made a Band for [the] surety of religioun, tooke the hou ses of the apostates, and put men into them, callit such as were Papists, quhilk were sent to Edinburgh to satififie, and commissioun givin be his Majestie to the Erle of Marschell of Lievetennandrie for repressing of Papists and traffickers.

Sicklyke diverse Barrons callit in be his Majestie to cognosce the same to be thair hand wrytes of the blankes subscrivit be the apostate Lords, quho verified the samein to be thair hand wrytes.

Item, After his returning from the said raid, ane aet of Counsell made, that nane fould procure at his Majestie to any favour or grace to them, with ane charge to his Ministers to take the oathes of his domeftickes, that they fould no wayes interced for them at his hand ; quhilk was done.

[And as concerning the part of the Kirk in thir dangers : That it may appeare they have not bein ylle or negligent [in] craveing remedie, thair travells was confidderit in this, that Commissioners from the Assemblie had proponit articles to the Parliament for faultour of the apostat Earles ; that petitions were directit from a Convention of Minifters and Barons holdin in Edinburgh, to the King when he was at Jedbrught, and again

from another Convention holden at Linlithgow ; of all quhilk small successe  
hes bein, and the danger nothing diminischt. C. & B.]

Followeth the tenour of the Band and Act above specified, [ordained  
to be registered in the Books of the Assemblie. C.]

We, Noblemen, Barrons, and vthers, vndersubscryveand, being fullie  
and certainelie perfwadit of the treasonable practises and conspiracies of  
fundrie his Hienes vnnaturall and vnthankfull subiects against the estate of  
the true religioune presentlie profest within this realme, his Majesties per-  
son, crowne, and libertie of this our native countrey, and finding his Ma-  
jesties good dispositioun to prevent and resist the famein, and to repreffe  
the cheif authors therof, his Majestie having our concurrence and affiance  
to the famein effect, Therfor, according to our bound duetie and zeale  
aught to Gods glory, love of our native countrey, and affe<sup>t</sup>ioun to his  
Majesties person, crowne, and estate, we have promittit, and be thir pre-  
sents promitts, faithfullie binds and obliefes vs, and everie ane of vs, to  
concurre and take ane effald, leill and true part with his Majestie, and ilk  
ane of vs with vthers, to the libertie and defence of the said true religioune,  
crowne, and countrey, from thraldome of conscience, conqueifch and slave-  
rie of strangers, and resisting, repreffing, and perfute of the cheife authors  
of the saids treasonable conspiracies ; as, in speciaall, of George Erle of  
Huntlie, William Erle of Angus, Francis Erle of Erroll, Sir Patrick  
Gordoun of Auchindoun, Knyght, Sir James Chisholme of Dundarne,  
Knyght, Mr Jaines Gordoun, William Ogilvie, Robert Abercrumbie, and  
all vthers Jesuites, Seminarie Preifts, traffiqueing Papists, and vthers, his  
Hienes declarit traitours, rebellious and vnnaturall subiects, treasonabill  
practisers against the estate of the true religioune, his Majesties person and  
crowne, and libertie of this our native countrey : And to that effect, we,  
and every ane of vs, fall putt ourselves in our armes, ryse and concurre,  
and paffe fordwart with his Majestie his Livetennants, or vthers having  
his Majesties power and commissioun, at all tymes, as we falbe requyrit be  
proclamatiouns, mislive letters, or vther wayes, and fall never shrink nor  
absent ourselves for any particular caufe or quarrell amongst ourselves :  
We fall not ryde, afflit, shew favour, give counsell to [nor take part with]  
the saids Erlis, Jesuites, nor vthers forsaids, nor get with the persons de-

nuncit, or that falbe denuncit to the horne, or declarit fugitives fra his Majesties [lawes,] for the treasonable fyre raising and burning of the place of Dunibirle, and murther of vniquhile James Erle of Murray, and neither receipt, supplie, nor intertwaine them, nor get furnisched them meat, drink, houise, nor harberie, nor vtherways have intelligence with them, privatly nor publickly, be letters, missives, nor no vther manner of way ; the skaith and harme of vthers we fall not coneale, but disclose and imped the fame to our vtter powers ; the quarrell or persuite of vs or any of vs we fall esteime, lykeas presentlie we doe esteime, equall to vs all ; and, be ourselfes, our haill forces, lykeas his Majestie, with his Hienes force and authoritiis, hes promittit and promitts to concurre and afflit together, ilk ane in the defence of vthers to our vtter powers ; and in cace any varianee fall happen to fall out amogst any of vs, for quhatsumevir cause, we fall submitt, lykeas presentlie we submitt vs, to the judgement and delyverance of any two or thrie of the principalls of vs, subscryvers of this prefent Band, and fulfill quhatsumevir falbe declarit be them but reclamatioun or contradiction.

Attour his Majestie, be whose direction and command, with advyee of his Counsell, ther is certaine Barrons and vthers Gentlemen directit to remaine in the south parts of this realme, hes promittit, and be thir presents promitts, be the word of a prince, that the samein Barrons fall not be licentiat to returne home againe to the saids north parts ; neither fall any favour be grantit to the saids Erles, Jesuits, nor vtheris above mentionat, nor [no] ordour tane nor dispencit with, without the speciall knowledge and advyee of the Livetenant and Commillioner for the tyme, and sixe of the principall Barrons, at the leaft, inhabitants of the saids north parts, subscryvers of this prefent Band : And this to doe, we, the saids Noblemen, Barrons, and vthers forsaid, hes sworne and sweares be the great God our Creatour, Jesus Chryst his Sonne our Redeimer, the Holie Ghoſt our Sanctifier, witnesſes of the veritie heir aggriedit vpon, and revengers of the breake therof ; and farder oblieſhes vs heирto vnder the paine of perjurie, infamie, and tinfell of credit perpetuallie, honour and estimatioun in tyme comein, befydies the ordinarie paines of the lawes to be execute vpon vs, in signe and memorie of our vnnaturall defection from God and his Majestie. In witnes quherof, we have subscrivit thir presents with our hands, as followes, lykeas his Majestie, in tokin of his allowance and approbation of the premisses, hes subscrivit the samein, att Aberdein the day of Marche 1592.

[The names of these that subverred the Band anent the Religion, at Aberdeen, March 1592.

## JACOBUS REX.

Lennox.	George Ogilvie of Banff.
Atholl.	J. Lindlay of Brodland.
Marr.	George Rose of Balnagoun.
Marishall.	William Forbes of Tolquhown.
Henry Stewart of Uchiltree.	John Forbes of Echt.
Cancellarius.	William Strachan of Glenkindie.
James Lord Lindsay.	Alexander Blakhall of that ilk.
John Lord Invernes.	John Lumsdane of Cuschnie.
Inuermethie.	John Urquhart of Culbo, Tutor of Cromertie.
John Maister of Forbesse.	John Cumming of Earnside, younger.
Sir Robert Melvill.	William Leslie of Wardes.
Blantyre.	Alexander Forbes of Thainstoun.
[Cockburne, Sir John?] Cobrone.	Mr Alexander Cumming of Ailter.
Tullibardine.	William Burnet of Campbell.
Sir George Hume.	Patrick Gordon of Hilhead.
Alexander Hume.	Andrew Harvey of Elke.
Drum.	William Forbes of Corse.
John Grant of Frewquhy.	Alexander Forbes, Tutor of Brux and Gelane.
Walter Ogilvie of Finlaster.	Alexander Forbes of Fingask.
Philorth.	William Keith of Ludquharne.
Pitfligo.	Alexander Skeene.
Robert Innes of that ilk.	Donald Farquhardson of Tilligarmouth.
John Midletoun of Kilhill.	Thomas Frazer of
Walter Ogftone of Fettercarne.	Hector Munro of Foullis.
William Achonachie of that ilk.	Andro Frazer in Tyry.
Mr William Meldrum of Mancofer.	William Sutherland of Duffus.
Robert Falconer of	Alexander Hay of Dalgetie.
James Lyall of	Walter Cheyne of Arnege.
Arthure Gardine of Banchrie.	
George Hume.	
Kenneth McKenzie of Kintail.	

- Patrick Cheyne of Elsmouth.  
 Gilbert Meingeis of Petfoddelis.  
**J. Burnet of Leyis.**  
 William Forbesse of Carsindea.  
 John Gordon, with my hand, young  
     er of Auchindore.  
 Alexander Forbesse of Auchintoul.  
 George Jhonestoune of that ilk.  
 John Forbesse of Colleis.  
 George Bannerman of Waterton.  
 James Gordon of Haddo.  
 Andrew Reid of Collestoun.  
 Androw Tillidaffe of Rannestoun.  
 Andrew Fraser of Stonewood.  
 William Forbesse of Monimusk.  
 James Mortimer, feir of Cragivarr.  
 Petrie Leslie of that ilk.  
 Petrie Leslie of Kincraigie.  
 Androw Leslie of Newleslie.  
 James Stewart of Ryland.  
 John Fraser of Crichie.  
 James Innes of  
     William Abernethie of  
     Thomas Leafk of that ilk.  
 David Brodie of that ilk.  
 Mr William Leslie of Warthill.  
 Mr James Skeen of Westercorse.  
 Alexander Strauchan of Thornton.  
 Mr Robert Douglas of Glenbervie.  
**J. Arefkine of Pitodrie.**  
 Robert Straquhan of Dillivaird.  
 [Sir John] Wilheart of Pittarow.  
 Robert Arbuthnet, feir of that ilk.  
 William Rosse appeirand of  
 John Dumbarr of Maynes.  
 Walter Watt of  
 William Udney of that ilk.
- Alexander Dumbar appeirand of  
     Tarbat.  
 Mark Dumbar of Dullas.  
 William Seatoun of Blair.  
 John Keith of Rewinscraig.  
 Duncan Leslie of Pitcaiple.  
 Robert Coutis of  
     George Mortimer of Auchinbeadie.  
 Alexander Buchane of Auchmacoy.  
 John Grahame appeirand of Morphie.  
 John Pantoun of Pitmedden.  
 Alexander Chalmer of Balnacraig.  
 John Rosse of Auchlofin.  
 George Meldrum of Drumbrek.  
 Archibald Douglas of Pendreich.  
 Robert Tulloch of Tannacheis, Provest  
     of Forreffe.  
 Alexander Cumming appeirand of  
     Alter.  
 William Keith appeirand of Pittarey.  
 John Keith of Northfeild.  
 Alexander Ogilwy of Boyne.  
 John Hay appeirand of Lochloy.  
 Alexander Kinnaird appeirand of  
     Cubin.  
 John Leslie of Dandileith.  
 William Wrwing of Beltie.  
 George Ogilvie of Cullen.  
 John Chalmer of Bobithen.  
 John Abercrombie of Skeith.  
 William Dumbreck of Wrtoune.  
 Hugh Crauford of Quhithiill.  
 George Adamson of Brako.  
 John Innes of Auchlunkart.  
 John Forbesse of Auchanachie.  
 William Abercrombie of  
 Robert Innes of Elrick.

William Chalmer of Achorthie.	Magnus Mowat appeirand of Bucholy.
William Forbesse of Barnes.	William Ogilvie appeirand of
Alexander Skeen of that ilk.	John Ogilvie of
John Irwine of Petmurchie.	Thomas Innes appeirand of Edingeith.
Alexander Caddell of Allowan.	Alexander Gardine of Blackfuird.
Alexander Innes appeirand of Pathnick.	George Gardine of Banchrie.
Andrew Meldrum appeirand of	Alexander Keith of
Alexander Hay of	Thomas Burnet of Craigmyle.
[Alexander] Burnet of Gask.	Alexander Abernethie of Lashindrum.
William Ferquharson of Kelleyis.	Alexander Spence of Boddum.
William Craig of Craigsmyntrie.	James Creightoun of Coulen.
Gilbert Ogilvie of	James Ogilvie of Blerock.
William Pendreigh of that ilk.	James Forbesse of Fichile.
Alexander Leflie of Bucharne.	Alexander Annan of Achterellen.
Mr John Innes appeirand of Cokston.	Andrew Meldrum of Anchorthie.
Alexander Frafer of Dorris.	David Ramsey of Bomaine.
Andrew Knokis of that ilk.	Seatoun of Craigie.
	John Cruikshank of Tillimorgen.

[Apnd Halirudhous quinto die mensis Januarij. Anno j<sup>co</sup> v<sup>e</sup> lxxxij<sup>o</sup>.

Forfamekill as albeit the dangerous effectis of the courerit and biffy trauellis of Jesuitis, Seminarie Preiftis, born subiectis of this realme, and sum vthiris strangearis, thir late geiris hes bene oft espyit and fearit, and for that caus, be findrie louable lawis, actis, and proclamationis, alswel thair awin remaining as thair ressett, prohibite vnder diuers heich panes ;ȝit thair cullourit simplicitie and entisementis hes fa fer preuaillit as thay haue nocht onlie purchest to thame selfis fauour and credite to be keipit, huirdit, and intertenyt in findrie pairtis of the realme, estir mony promyses maid that thay fould haue departit furth of the same, but als thay haue tane occasioun and lasure to perswade findrie of his Hienes subiectis to apostacie frome that religioune quhairin thay wer fosterit, weill instruetit and groundit, and hes confermit vthiris in thair erroris, and at last seduceit thame to cast of thair dew obediens quhilk they aw to his Maiestie, and entir in tressounable conspiracie for inbringing of strangearis Spangearis in this

realme, this vixt spring or souner, to the ouerthrow his Hienes and all professing the trew religioun with him, and to the ruyne and conquest of this ancient kingdome and libertie quhilk this natioun hes inioyit fa mony ageis, that it may be subiect heireftir to the flauerie and tyrannie of that proude natioun, quhilk hes maid sic vnlanchfull conquest in diners partis of the warlde, alwele vpoun Christeanis as Infidellis, quhereuir the ayd of Spayne hes bene focht ; regairding in the end na better thair inbringaris nor thame aganis quhome thay wer inbrocht, being anes victoris and commandaris, as easifie may be provin be speciall examplis, quhilk the malicious and vn-naturall subiects of this realme wald repute bot as generall and improbable discoufis, publist in haitrene of that natioun to quhome thay haue alreddy fauld thame slaveis, and ar thair freindis and factouris in this land as thay speik and write, wer nocht it hes bene the gude plesure of Almighty God to mak the pruffe heirop certane and without all doubt, be deteecting of the simple trouth of the intentioun and finall caus of all the craftie practizes of thir pernicious trafficquing Papistis, Jesuitis, and Seminarie Preistis, aganis God, trew religioun, his Maiestie, and libertie of this cuntry ; namelie, Maister James Gordoun, fader bruthir to the Erll of Huntlie, Maister Robert Abircrumby, fader bruthir to the Laird of Murthley, quhais letters, directionis, aduyses, zea and the messingeris caryaris of thair credite and certane vthiris cheiff instrumentis and furtheraris of thair trade, God hes callin in his Hienes handis, quben the ship appointit for thair transporting wes in full reddynes to mak fail : Quhairby his Maiestie is now not onlie sufficientlie fairwarnit of the eminent dangeir to trew religioun, his awne estate and perfone, his realme and faithfull subiectis, bot resoluit with Godis help, be quhais Prouidence he hes bene fa wounderfullie delyuerit fra mony former perrellis, to try the full circumstanceis of this fa heich a confpiracie and detestable treffoun, to withstand it, and pvnishe the same on all guilty thairof, in example to the posteritie ; and that nane of his subiectis heirtsofir abusit and dissavit be the craftie illusionis of thir pernicious and bufy werkmen, fall remane ony langar doubtfull of the treuth, or of his Maiesteis awne mynd and intentioun, Ordanis letters to be direct to officeris of armes, Schireffis in that parte, to mak publication of the premisis, be oppin proclamatioun, at the mercat croceis of the heid burrowis of this realme and vthiris placeis neidfull, for warning thame of thair awne dangeir, giff thay fall suffir thame selffis to be ony langer led in errour be sic dissavable spirittis, to the

perrell of thair faulis, bodyis, landis, and guidis ; and therfor to abstene frome forder harkening to thair tressounable perswasionis, and frome all intertenyng, reflett, supplee, intercommoning, or haneing intelligence with thame, directlie or indirectlie, vndir quhatsumeuir pretext or culour, vndir the pane of tressoun ; commanding alswa all and sindrie his Hienes faithfull and obedient subiectis that luifis and feiris God, and wald the standing and weilfair of his Maiestie thair Souerane Lord and King, professing with him the said trew and Christeane religioun, and desyris that thay, thair awne wyffis, bairnis, and posteritie, shoulde now and heireftir enjoy the commoditeis of this thair natvie cuntrey, vnconqueist and made slaves in faullis and bodyis to merciles strangeris, that thay eirnichtie imploie the mercy and proteiction of Almichtie God for thair defence and fauegaird ; and putt thame selffis in armes be all the gude meanis thay can, remaining in full reddynes to perfew or defend as thay salbe certifeit be his Maiestie or vthirwayes findis the occasioun vrgent ; in the meantyme diligentie espyng and getting intelligence of the tressounable courses and proceedingis of the faidis Jesuitis, Seminarie Preiftis, and trafficquing Papiftis, thair faouraris, mantenaris and refleettaris, and mak aduertisment to his Maiestie or ony of his Counfall thairof, with all speid and celeritie, as thay will ansuer to God and his Maiestie thairvpoun. Reg. Sec. Conc.]

The Generall Assemblie of the Kirk gives commissioun to thair brethren, Mrs Patrick Galloway, the Kings Majesties Minister, Peeter Blackburne, and Patrick Simfone, to give informatioun to his Majestie [residing then at Sterlin] of the evident danger imminent to the Kirk of God within this realme, according to the instruccioun givin to them ; and therwithall to prefent to his Majestie the humble articles and petitious of the Assemblie proponit for removeing of the saids dangers ; and to infist with all humilitie and due reverence for his Majesties good ansuer thervnto, to the glorie of God and good of his Kirk ; and to report with all good diligence his Majesties ansuer, before they dissolve.

The dangers quhilks, throw the impunitie of the excommunicat Pa-pists, traffiquers with the Spainzeards and vthers enemies of the religion and estate, are imminent to the true religion profest within this countrey, his Majesties person, crowne, and libertie of this our native countrey.

The famein dangers, quhilks of befoir be the craftie and pernicious practices of the Jesuites, and the malicious, vnnaturall, and treasonable conspiracies of the Erles of Huntlie, Erroll, and Angus, with thair complices, threatains the subversion of the true religioum, and the professours therof, his Majesties crowne and person, and betraying of this thair native countrey to the cruell and merciles Spainzeards, and were at that tyme discouerit, and [vively] apprehendit be his Majestie and Estates, and haill body of this realme, so evidentlie that none can pretend ignorance, at this tyme are imminent, more vrgent, and more to be feared nor quhen the danger appeirit to be greatest, as may evidently appeir be the reasons following :

First, It is certaine that the Spainzeard, quho, with so great preparation in the SS geir, interpryfes the conqueischt of this yle, remaines as yet in that firme intentioun, and waites only vpon a meitt occasioun to accomplish that his purpose, as appeirs cleirly be his continueing in [this] intertainment of intelligence and traffiqueing with the forsaids excommunicats ever since the dissipatioun of his navie.

Secondlie, The manifest rebellions of the forsaids excommunicats and defectioun from his Majesties obedience, after so evident appeirances of thair wrack for thair manifest and treasonable attempts at the Brig of Die, at Falkland, &c. and the prooef of his Majesties clemencie and favour towards them in pardoning thair foirsaidis treasons, declares that thair malicious and restles ingynes in the prosecuting of thair vnnaturall conspiracies aganis the religioum and countrey, cannot leave [off] nor cease so long as they are not punischt, nor restrainit by justice and executioun of justice.

Thirdlie, Quheras the Kirk, at all occasiouns, hes insiflit to declare to his Majestie and Counfell, and Estates, the dangers evident for the tyme, and to crave convenient remedies thervnto, yet in effect nothing hes been obtained thervnto, notwithstanding quhatfomevir promises, actis, proclamations, readis &c. ; quherthrow they have been alwayes put in great securitie, and takes libertie and boldnes of farther practises and attempts.

Fourthlie, Notwithstanding it was expreflie provydit be act of Counsell, that none fould presume to traffique or speake in favour of the faids excommunicats, vnder the paine of tinsell of thair offices ; yet now they are advancit in greater credit of his Majestie, that have bein knowin to be thair cheifest favourers ; and they cease not yet, contrair to thair promises, to procure them all favour, ficht and immunnitie, as it appeirs in effect, quhatfoevir they pretend.

Fyftlie, The erectioun of the idolatrie of the Mef in diverfe quarters of the land, as, namelie, in Mr Walter Lindsayes houfe of Balgay in Angus, in the song Laird of Bonytounes houfe of Birnes, in the Erle of Angus houfe of Bothwell in Clidditdaill, and in the places of his residence in Dowglasdale, and in the Erle of Huntlies houfe of Strabogie and Auld Aberdein, in the Erle of Errolls houfe of Logieamount and Slaines, proves cleirlie that either they find themselves sufficently assurid of such favour and affistance within the countrey as may plainly mantaine thair cause be force, or els [that] they are perswadit of the aide of strangers, to be at readines in such due tyme as they may serue for thair releife, before that his Majestie and the professours of religioune performe any thing in effect in the contrair, or vtherwayes they durst nevir so openlie disclose thair idolatrie.

Sextlie, The refuising of the act of abolition offerit to them be his Majestie, to the great greife of his good subiects, proveth sufficently the famein ; for it is very probable and manifest that they nevir wald have refusit so great a benefite, except they had thought themselves fullie assurid of a better, either be favour of Court and affistance within the countrey, or be [concurrance and] aide of strangers without.

Seventhlie, Thair refuifall to entir in ward, notwithstanding of his Majesties indignatioun, and all that might follow therupon, proves the famein.

Auchtlie, The late arriveall of this barke at Montrois evidently shawis, that thair dangerous practises are presentlie at the point of executioun aganis the religioune and the countrey, and mon haftilie bring foorth some great inconvenient, except they be preventit and refistit be ane present remedie.

Nynthlie, The oppin conventiouns of the forfaid excommunicat Erles haldin at Brechin and vther places, since the arriveall of the faid bark, declares that they esteime thair courses now to be so substancially led, that they regard not quhat [may] be done for refisting of the fame.

10. The diligence of the faids excommunicats in preparing and putting thair haill forces in the north in armes and readines, vpon advertisement, shewis that they have some prefent interpryse, and attends only vpon concurrence, quhilk appeirandly they are verie meikle animat to looke for sinc the arrivall of the said bark.

11. Quheras his Majestie and Estates, at the first discoverie of thair conspiracies, apprehendit a very great danger to true religioum, the Kings Estate and Crowne, and libertie of the countrey ; and notwithstanding that the famein cause of danger as git remaines haill vnremovit, ther is no apprehenſion of any danger, nor earnest care to withstand it : It is evident, that either ther is ane inclination and purpoſe to cover, extenuat, and beir foorth the evill caufe, quherthrow they will not lie ; or els the Lord in judgement hes blindit and hardnit the hearts of all Estates, to grop in the mid day that quhilk they cannot lie, quhilk is the greateſt danger of all, and ane moſt certaine argument of the wrath of God, and his heavie judgement hingand over the land, and fo meikle the more to be fearit, becauſe ther is no caufe of feare apprehendit.

#### Remedies of the famein.

For remedie of the forfaids dangers, the Assemblie ordaines the Commissioners to deale earnestly with his Majestie, that he may apprehend the perrill, and be movit with ane bent affectioun, to proceid againſt the foinanuit excommunicats, Papists, traitours, as followis.

#### The Remedies.

1. That the faids excommunicats be forfaultit without favour, and to that effect, that the Parliament appointit to the 27 of this instant, be haldin preceſſlie without any kind of delay ; the advocat ſufficientlie inſtruictit in every point, that the fumounds may be found relevant, and ſufficient probatioun provydit.

#### The Kings Anfuers.

There ſall nothing of the turne be vndone on my part, as I have at length declarit to the beirers.

2. That none suspect of religiou[n] be chosin vpon the Articles.

Great reason, and farther as I have shawin the forsaide bearers.

3. That they be perfewit after the foirfaultrie be way of deid with all extremitie, and thair land and rents annexit to the crowne, to remaine with his Majestie and succeffours for ever, and no part therof disponit to any in favour of the persons foir-faultit.

Great reason, the foirfaultrie being endit.

4. That in the meane tyme his Majesties guard be employit for apprehending of Mr Walter Lindsay, the Abbot of Newabbay, Bonytoun, Zounger, Mr George Ker, Mr Alexander Leslie, Thomas Tyrie, with all vthers traffiquers, Jesuites, and Seminarie Preifts, not contained in the sumounds of forfaultrie.

How willing I am to be employit in apprehending any practiseing Papists, I remitt me to the bearers declaratioun.

5. That the rebels houes be takin, chargit and manritt, [and thair] livings intromettit with and vptakin into his Majesties vfe without favour, and no part therof disponit to thair friends, or any vther perfon for thair comoditie.

Great reason how soone they are forfaultit ; [and] I thank them for thair Counsell.

6. That all persons be inhite vnder the paine of treafon, and tinfell of lyfe, land and goods, to receipt, supplie, ryse, concurre, and have intelligence with the forsaids excommunicats, vnder quhatfumevir pretence of vaffalls dependers.

Great reason, thair foirfaultour always preceeding.

7. That the haill subiects be chargeit to put themselves in armes, by all good means they can, remaining in full readines to perfew and defend, as they salbe certified be his Majestie, or vtherwayes findand the occasioun vrgent.

8. That the bark arryvit at Montrois be apprehendit, and that the persons that were within her, together with such [vthers] as hes had a dealing with them, according as they salbe givin vp in tickett, be callit and diligentlie examinit for discoverie of the practises and purposes quhilk they have presentlie in hand.

9. Forfameikle as the Lord Hoomes contraveinit fundrie points, quherin he was oblischt to the Kirk of Edinburgh be his promise at the receiving of his subscriptioun, as, namelie, in not satiffieing the Assemblie of Fyfe; in not receiving a Minister in his house; in not removeing out of his companie Captaine Andro Gray and Thomas Tyrie; quherby, [as] also be his flanderous lyfe fen his subscriptioun, he hes givin just cause of suspicioun to the Kirk and all good men, that in his heart he is not yet truelie sanctified and converted to the true religioun: Therfor, that his Majestie wald take earnest tryall of the premisses, and therof judge if ther appeir in him sick a

To be ready at my charge is very meit; but I vnderstand not the last clause of vrgent occasioun.

I sall omitt no diligence in that quhilke can be requyrit at my hands, as I sall answer to God.

Distingue tempora et concordabis Scripturas. The meaning of this the beirers will expone vnto you.

finceritie of religiou[n] and lyfe as his Majestie may lippen to, and the Kirk looke for sure freindship in such dangerous a tyme, in the cause of religiou[n]; quhilk not being found, that his Majestie wald remove him fra his companie, and discharge him of all publick office and comandment.

10. That the Guard prefentlie takin vp be tryed, together with thair Captaines, in respe[ct] of many complaints givin in against them to the Assembly.

The complaints belongs not to thair office: Alwayes I have satisfied the beirers heirin. Sic subscrribitur,

JAMES R.

At Edinburgh the 10 of May 1594.

The Assembly gives commissioun to Mrs Patrick Galloway, Robert Rollock, Patrick Simfone, James Melvill, James Nicolfone, to propone the dangers and remedies above wrytin to his Majestie, and to report his Majesties anfuers theranent. Sic subscrribitur,

Mr ANDRO MELVILL, Moderatour.

Seslio 11<sup>a</sup>. 13 Maij.

Anent the horrible superflitioun vsed in Garioch and diverse parts of the countrey, in not labouring ane parcell of ground dedicate to the Devill, vnder the name of the Goodmans Craft: The Kirk, for remedie therof, hes found meitt that ane article be formed to the Parliament, that ane act may proceed from the Estates therof, ordaining all perfsons, possellours of the faids lands, to cause labour the famein betuixt and ane certane day appointit thereto; vtherwayes, in case of dislobedience, the faids lands to fall in the Kings hands, to be disponit to such perfsons as pleases his Majestie, quho will labour the famein.

Seflio 12<sup>a</sup>. 14 Maij.

Anent the supplicatioun of the Minister and parochiners of Bruntiland, defyreand the Assemblie to allow the act of the Synodall Assemblie of Fyfe concerning thair new kirk, in allowing therof to be the paroch kirk : The haill Kirk present being advysit with the faid ordinance, understanding that the new kirk buildit be thame is most comodious for the parochin, both in respect of the greatness of the congregatioun, and ewiltnes of the place, and alwayes more convenient then the auld kirk, quhilke is not able to receive the congregatioun, and is farther distant from them : Therfor allowis and approvis the judgement of the Provinciall Assemblie of Fyfe, and ordaines the faid new kirk to be the paroch kirk therof in tyme comeing.

Alexander Lord Hoome compeirand in the face of the Assemblie, and inquyrit be the Moderatour, if he confessit in [his] heart befor the Lord, and with his mouth, that he was justlie castin out of the Kirk be a sentence of excommunicatioun pronouncit against him be the Synodall Assemblie of Fyfe, and, as he wald anfuer vpon paine of his salvatioun and damnacioun, limplie to speake the trueth theranent, Proteftit and acknowledgit [openlie,] that he was justlie excommunicat, and confessit his fault therin : And being inquyrit why he focht not to be relaxit from the faid sentence according to the directionn of the Prefbitrie of Edinburgh, excusit him be ignorance of that part of the act : As also being accusit, that he detainit the flipend of fundrie of the Miniftrie, speciallie of Chirneyde, anfuerit, That he was ready [to doe] quhat he ought to doe of law : Being farther demandit, why he keipit not conditiouns speciallie sett downe in the act of the Prefbitrie of Edinburgh, as, namelie, tuiching ane Minister in his awin houise, tuiching the removeing of Thomas Tyrie out of his companie, anfuerit, That he remembrit not that he was obliefed be promife to have a Minister in his houise, yet, in that point, he is content to have ane, as the Kirk fall appoint him ; [and] as to Thomas Tyrie, Grants that he was in his service fen his subfcryveing, bot vnderstands not that he was obliched to remove him quhill the Kirk had proceidit [to] excommunication against him, quhilk he beleives he focht of the Kirk, and beleives that they grantit [it ;] alwayes fra he was excommunicat, he removit him out of his compagnie ; and as to Johne Tyrie and Captane Gray, they were not his fer-

vants: Being inqyrit, if ther was any [perfon] callit Cowie, quhom with he spak shortly, or any sett on land with the bark that came last in [from Flanders,] Denyes the famein: And inqyrit if Macquhirrie was in his houfe shortlie, Grants, within this few dayes he was in his houfe, and came by his witting, haveing neither letter nor commissioune to him, and past away within halfe ane houre: And last of all, the faid Lord confessit in presence of God and his holy angells, quhom he tooke [witnesse,] and the Lord Jesuſ [Chrifl] quhom he tooke Judge, quhen he fall come to judge the quick and the dead, that he profellit from his heart the religioun prefentlie profellit be this Kirk here present, quherof he had alreadie subfcryvit the articles befor the Presbytrie of Edenburgh, and with his solemne oath confessit befor them, and now confesses befor the Aſſemblie, to be the only true and infallible religioun quhilk leids to ſalvatioun, quherin he mynds to live and die, and fall to the vttermoſt defend againſt all the enemies therof; and denyes, as he fall anſuer to the dreadfull God, the Romane Catholick religioun, as the Antichriſtian religioun direc̄tie opponit to the truth of God and his true ſervice, quhilk he teſtifies to the haill Aſſemblie be vpholding of his hand, and be ſolemne witnelling of God, that he has no diſpenſatioun nor indult to ſubfcryve or ſwearē to the faids articles.

For farther ſatiffacioun of the brethren, the Kirk ordaines my Lord Proveſt of Edenburgh, Alexander Hoome, the Laird of Aittoun, Mrs Johne Dauidſone, David Black, David Lindſay, to deale farther with my Lord afternoone, to try of his full refolutioun.

Inſtruſtiounſ to Sir Robert Melvill of Mordocairnie, and Alexander Hoome of Northberwick, Commissioners for his Majeftie at the preſent Generall Aſſemblie, of Articles proponit in his Majefties name to the faid Generall Aſſemblie at Edinburgh.

1. To proteſt that his Majefties royll priviledge, newlie ſett foorth be aſt of Parliament, be not prejudicet in the conveining of the nixt Generall Aſſemblie; and to that effect, that befor thair diſſolving at this time, they direc̄t ſome of thair number to his Majeftie, to be refolved be him vpon the time and the place of the nixt [meeting of the] Generall Aſſemblie, according to his Majefties propositioun, and their promife in the laſt Generall Aſſemblie heldin at Dundie.

2. That they will ratifie and approve, be act of this present Assemblie, thair promife made to his Majeftie in thair forefaid laſt Assemblie, that in any thing that any of the Miniftry had to crave, or complain to his Majeftie, they ſhould doe it be particular conference with himſelfe, and not vther publickly in pulpitt any vnreverent ſpeeches againſt his Majefties perfon, Counſell, or Eſtate, vnder the pain of deprivatioun ; and that for this caufe they will preſently try and cenſure aue of thair number who hes contra-veinit the laſt act : and in ſpeciall, that they will examine ſo many of thair number as was preſent at the laſt Synodall Assemblie heldin at Perth, and charge them vpon thair great aithes and conſciences, firſt, to declare what vnreverent and treafonabill ſpeeches of his Majefty they heard Johne Rosſe vther publickly from the pulpitt, in all thair audiences ; and nixt, whither they cenſurit him for the fame thereaſter or not ; and to deſire them in his Majefties name, that according to the Synodall cenſureing of him, they wald judge him as he demerits on the aue part, and his Majefties modeſt behaviour, ever ſince the beginning of that turne, hes defervit.

3. That they will excommunicat Mr Andro Hunter, for bringing in ane scandall vpon thair profellioun, as the firſt opin traitour of their functioun, againſt aue Christian King of thair [own] religion, and their naturall Sovereigne.

4. That be act of thair Assemblie they will ordaine every particular Minifter within thair charge, to diſhwade, as weill be publick as privat exhortatioun, thair flock committit to thair eure, from concurring with the treafonabill attempts of Bothwell, or any vther traitours, that raiſes or fall raiſe themſelves vp againſt the lawfull authoritie placit be God in his Majefties perfon : and ſpecially, that they fall narrowlie take heid, and not ſuffer any of thair flock to be fedueit vnder colour of religioun, or whatſunever falſe pretext, to receave wages and become ſouldiours for ſervice of any perſons, except they ſie his Majefties commiſſioun and warrand therunto ; and namelie of Bothwell, quho hes preſentlie, in diuerſe parts of this realme, attemptit the fame.

5. That in reſpect the Parliament time is at hand, and the occaſion will ſuddenlie ſerve for declareing of his Majefties godlie and honeſt intentioun in perſecuting of the Papifts [and] excommunicat Lords, both be law and vtherwayes ; that, therefor, they will ſelect aue or two Commiſſioners of the diſcreiteſt and wiſeſt of every principall Presbytrie, and give them commiſſioun

to attend vpon his Majestie at this time, as weill that his Majestie may have thair good advyce and affiance in his good turne, no leffe concerning the estate of the religioun then the estate of his Majesties crown and country ; and likewise that his Majestie may, be their moyen, direct and inform quhat he wald wisch to be done be the haill rest of the Ministrie, as occasion fall from time to time be present. Sic subscrifit

JAMES R.

Sessio 13<sup>a.</sup> 14 Maij.

Anent the offence conceivit be his Majestie agains a brother callit Johnne Ross : The Assembly of the Kirk thocht it expedient that certaine of the godly, discreiteſt and best learnit men of the Kirk, fould be chofin out, befor quhom that matter fould be firſt brockin vp and preceſſlie handlit, and therafter brocht in publick befor the haill number ; and to that effect were chofin Mrs Andro Melvill, James Nicollſone, Robert Bruce, Robert Rollock, Johnne Davidſone, Johnne Craig, David Lindsay, Patrick Galloway, James Melvill, Walter Balcanquell, Alexander Forbes, James Robertſone, David Fergufone : Quhilk number were ordainit to conveine immediatly after thair ryſeing in this houſe, and fo many of the brethren of the Synodall of Striveling as are present, warnit to be ready as they falbe callit for.

Sessio 14<sup>a.</sup> 15 Maij.

The quhilk day compeirit Alexander Lord Hoome in Assemblic, and with all humilitie craveit that he might be absolvit from the fentence of excommunication led against him, protesting beſor God he wald in tyme comeing give prooſe of obedience and ſervice to God, and mantaine the trueth of his religioun profeffit be the Kirk heir prefent to his lyves end ; and althoſh he was ſometyme in ane different religioun fro them, now avowis, he being bettir instrucit in the heid quherin he ſometyme differit from them, the preſent Confefſioun of Faith and religion profeffit prefentlie be the Assemblie ; and if he fall heirafter declyne therfra, ſubmitts him in that cace to the Assemblie of the Kirk, hoping be Gods grace, nevir to make defectionn therfra.

The Assemblie, in respect this matter hes bein paft be word, hes thought meitt that certaine conditiouns falbe sett downe in wryte, to be subscryvit be his Lordship; therafter his fute of absoluтиoun to be confidderit.

Sessio 15<sup>a</sup>. Eodem die.

The Assemblie ordanes ane faſt to be keipit within the Prelbitrie of Edinburgh, and sick vther parts quher the famein may be conveniently had, vpon Sonday the 26 of this instant, immediatlie preceiding the Parliament; and his Majestie to be remembrit that ane exhortatioun may be had, according to the custome quhilk was keipit of befoir, the firſt day of the Parliament, and a thanksgiving at the conclusion therof be ane of the Ministris; and also that his Majestie be put in mynd of the faid faſt appointit the foirfaid day, to the effect his Majestie and his house may keip the famein.

In lyke maner it is ordanit, that a generall faſt be obſervit [vniverfallie] through the baill realme, the twa laſt Sondayis of Junij nixt to come, with exhortatiounis and prayers to be keipit betuixt the twa Sondayis on the weik dayes: The caufes of the quhilk faſt falbe intimat and prefentit the morne in wryte be Mrs James Melvill, Patrick Galloway, and James Nicolfone.

The famein day, the conditiouns vnderwrytin being proponit to Alexander Lord Hoome be the Generall Assemblie, to teſtifie his vnfained repentance, after reidng of the faids articles feverallie: Firſt, he ratifiad and approvit the ſubſcriptioun and aith givin be him to the Confellioun of Faith, at Edinburgh the 22 day of Decembre laſt, and that with ane follemne aith, halding vp his hand, and aggrieing to the faid articles, and every ane of them; [and] in tokin of acceptatioun therof, [proteſting] he dois the famein ſincereſie, ſubſcryvit the famein with his hand, humblie requyring, in respect of his obedience and repentance, that the Kirk wald relaxe him from the ſentence of excommunicatioun pronoucitet againſt him.

The Assemblie, in respect of his repentance shawin, his aith and declaratioun givin geſterday, and obedience in ſubſcryveing the faids conditiouns, being ſatisfiſed therwith, and hopeing that he fall fullie keip promise in tyme coming, ordaines him to be abfolvit from the faid excommunicatioun, and the ſentence of absoluſioun to be pronunciet be the Moderatour the morne at meiting.

Followis the Conditouns.

1. The Assemblie craves that the said Alexander Lord Hoome ratifie and approve the subscriptionn and aith givin be him to the Confessioun of Faith, at Edinburgh the 22 day of December laſt, [or ſubſcriue] and weare againe de novo in face of the haill Assemblie, as falbe thought expedient.

2. That he remove and hald furth of his compagnie, all Papifts and traffiquers aganis the true religioune, and qubatfoevir [perfoures] falbe dilaitit to his Lordſhip to be ſuſpect and corrupt in religioune; that he receive and intertwaine in his houſe Mr Archibald Oſwell as his ordinarie Paſtour; and failſeinge of him, ſome vther diſereit and godlie Miſter, be advyee of the Prefbitrie of Dunbar; and that he make his familie ſubiect to the Word and diſcipline.

3. That he refort to the publick heirin of the word, in all places quher it fall happen him to repaire and have his reſidence, and that he communiate.

4. That he make his haill tennents and fervants ſubiect to the diſcipline of the Kirk quher they remaine.

5. That he repaire all the ruinous kirks within the Pryorie of Coldinghamme, and provyde sufficient livings for Paſtours plantit and to be plantit therat [according to the aſt of Parliament;] and ſuchlyke of all kirks within his bounds, fo farre as law and reaſon may bind therto.

6. That he make thankfull payment to the Minifters of Chirnfyde, Swintoun, and Fisckak, of their ſtipends, conforme to their affignations and decreits paſt therupon, in cace he be obliſchit thereto be law.

7. That he concurre, be his counſell, crydet, and affiſtance, for manteinance of the true religioune publicklie profeft and taught within this realme, with the mantaineres therof, aganis all and quhatfumevir wald come in the contrair, within the countrey or without.

8. That he neither receipt, affift, intertwaine, intercomoun, or have [any] intelligence with, the excommunicat Papift Lords, Jesuits, Seminarie Preifts, nor traffiqueing Papifts; nor folift [for] thame, or ſhew them favour, direc̄tie or indirec̄tie, in judgement or out of judgement.

9. That he neither reaſon nor ſuffer any reaſoning to be againſt the true religioune, or any point therof, in the places quher he may inhibite the fame.

10. That he employ himselfe carefullie to apprehend and present to justice Mr Alexander M<sup>c</sup>Quhirrie, and all and quhatfumevir Jesuites, [Seminarie Priests, and traſliqueing Papills, that fall report] within his bounds ; and that he doe nothing that may be found be the minister appointit for the tryall of his behaviour, to be prejudiciale to the true religioune presentlie profelit be the Generall Assemblie heir presentlie conveinit ; and in case he falbe found to contraveine any ane of the forsaids points, that, in that case, he consent to be summarlie excommunicat vpon the notorietie of the fact. And in testimonie of his acceptatioun of the said conditiouns, that he subſcryve thir prefents with his hand. Sic subſcribitur,

ALEXANDER LORD HOOME.

Forsameikle as Alexander Lord Hoome, be his subſcriptioun, is bound to obſerve and keip the conditiouns proponit to him be the Generall Assemblie, and acceptit be him ; and in case he be found to contraveiu the famein, or any of thame, to be summarlie excommunicat vpon the notorietie of the fact : The Generall Kirk gives libertie to quhatfumevir Presbitrie that fall vnderſtand of his contraventioun of the faids conditiouns, to call him, and try him of the said contraventioun, and convic<sup>t</sup> him therof if he be found guiltie ; and the convic<sup>t</sup>ioun to be dire<sup>c</sup>t and fent to the Presbitrie of Edinburgh, to quhom the Kirk gives commiffioun summarlie to pronounce the ſentence of excommunicatioun againſt him.

Seflio 16<sup>a</sup>. 16 Maij.

According to the ordinance of the Affemblie, the actioun of abſolution of Alexander Lord Hoome being committit to Mr David Lindsay, exhortatioun being firſt made, the faid Lord was inquyrit, If he was forie in his heart for the fault and offence he had committit, and that he had incurrit the faid ſentence, and fand ane earneſt dolour in his heart for that he was ſeparate from the Kirk heir preſent fo long, thriſting moſt earneſtlie to be joynit thereto as ane member of Chryſts bodie, and promifeing, as he falſ anſuer to God, in tyme coming to continue ane conſtant profeffour in the trueth of his religioune, preſentlie and publicklie allowit be the Kirk of Scotland heir conveinit, to his lyves end, and to ſhew the fruites of a true Christian in his lyfe, removeing all flanderous perſons out of his compagnie :

Quho ansuerit, in Gods prefence, It was his true meaning, and intendit to shew the same in evident effects in tyme comeing: Quherfor, thanks being givin to God, and prayer made, he was solemnlie absolvit from the faid sentence be the faid Mr David, and receivit be him in name of the faid brether, and embraced as ane member reconcileit to the Kirk.

Sessio 17<sup>a</sup>. 17 Maij.

Forfameikle as Mr Andro Hunter, [Minister,] hes desertit his flock, and is fugitive from the lawis, being bruitit and suspectit to have joynit himselfe with the Kings rebells: The Asssemblie present deposes him fra the functionioun of the Ministrie, ay and quhill he have satissified for his offence, his Majestie and the Kirk.

Anent the Kings Majesties Articles: In respect the first article tuitchens the tyme and place of thair nixt Asssemblie, the haill Asssemblie, with advyce of his Hienes Commissioners, hes appointit thair nixt General Asssemblie to be at Montrois, the last Tuesday of Junij come ane zeir; provyding alwayes, in cace it be found expedient pro re nata be the Prefbitrie of Edinburgh to be sooner, vpon thair advertisement, the famein to be preveinit.

And as concerning his Majesties first article, ansuer is givin, That the tyme and place is appointit in presence of the Commissioners, according to the act of Parliament.

As to the secon, The act made at Dundie, de novo is ratified.

The anfuer concerning Johne Ros particular continued quhill afternoone. Concerning Mr Andro Hunter, The Kirk hes deposed him.

The 5 and 6 articles aggrievd vnto.

Ordaines every particular Pastour, at his awin Kirk, to intimat the sentence of absolution pronuncit in favours of my Lord Hoome, from the proces of excommunication led against him.

Sessio 18<sup>a</sup>. Eodem die.

Anent the matter of offence conceivit be his Hienes against Johne Ros, Minister, be occasion of ane fermoun made be him in presence of the Pro-

vinciall Assemblie at Perth: The said matter being first ordainit to be treattit and weyit in privie conference, and ane certaine of the grave, learnit and godly brethren beand appointit therto, and to give thair judgements to the whole Assemblie, the said brether reportit thair advyce and proceeding in wryte as followes:

Firſt, They have found that the peiple departit not out of the kirk befor the end of the doctrine, as it hes been reportit to his Majeftie, quherthrow he might have vttered any kynd of offence; and that the ſaid Assemblie had pronuncit no dannatour ſentence againſt him, bot that they onlie admoniſhit him vpon ſuch caufes and conſideratiouſ as eſter followes:

1. In reſpect that he delyverit that doctrine at that tyme quhen his Majefties rebells and enemies were aflemblit on the feilds, quherthrow it might appeare to the peiple, the Kirk allowit Bothwells treasonable attempts, and that the Assemblie of purpoſe had placit him in that rowme, to alienat the hearts of his peiple from his Majefties obedience.

2. In reſpect of certaine ſpeiches delyverit be him without any ſufficient warrant, fo farre as they could ſie and vnderſtand, and namelie that ſentence pronuncit againſt the houſe of Guife de futuro.

3. In reſpect of the hard delyverie of ſpeiches ſpokin of his Majeftie, quhilk might have been thocht to have craveit greater geirs and farther expeience: Farther the haill brether, both of the Conference and of the Provinciall of Perth, all in ane voyce acknowledgis that ther is juſt caufe of ane sharper rebuike and threatning of heavier judgements foorth of the grounds of that text, then hes been or might have been vtterit be him; and quhatſoever he vtterit, as he deponit before God and [vpon] his conſcience, he vttered it out of love, feiking alwayes his Majefties ſtanding, on na preoccupied mynd, prejudgeit opinioun, or troublit affection, bot of ane faul alwayes feiking and thrifting his Majefties honour and weill in God; and therfor approves his whole doctrine in that point, as it hes been red and declarit be himſelfe, in ſuch heids as hes feimit to have been moft offensive.

And as concerning the admonition of the Provinciall of Perth, and the caufes moveing them therunto, the brethren reverences and allowes thair judgement in all things, vpon conſideratioun as is befor exprefſ; onlie anent the ſentence touching the Houſe of Guife de futuro, because the haill brethren hard it not, [and] he himſelfe profeſſes he remembers not he ſpake ſwa, neither had he ſuch meaning [at any time,] and confeſſes his fault if ſuch ane word hes fallin out; the brethren thinks meitt with himſelfe in that point, that if he hes ſpokin fo, he hes failit, having no juſt warrant: And being myndit

to satiffie his Majestie alwayes so farre as [possiblie] may be done with ane good conscience, after earnest incalling of the name of God for afflstance of his Spirit, and long advysement, hes found it good that the admonition of the Provinciall of Perth, as faid is, be reverencit of the said haill Generall Assembly, and that the Assembly at this tyme give farther to the said Johne Ros ane grave and earnest admonition, to speake at all tymes reverentlie and with such wisdome of his Majestie, as he alwayes may have so cleir ane warrand of his speiches as may fullie satiffie his awin conscience befor God, and may have the approbation and allowance of all his godly brethren : and that this admonition be extendit to all vther young men of the Ministrie, and to the haill Assembly. Quhilke judgement of the haill brethren being well confidderit be the haill Assembly, after good deliberation, vottit to the approbation of thair said judgement, and allowit the famein in all points.

And therafter the said Johne Ros beand callit in, he, in prefence of the said Assembly, protestit befor God, and [in] his conscience, that quhatsoevir he vtterit in the doctrine delyverit be him, he vtterit the famein for love to his Majesties weill and stading, of no preoccupied mynd, prejudicit opinion, or troublit affectioun, bot of ane faul feikand his Majesties honour and weill in the Lord, haveand neither eye nor respect to his Majesties traitours beand then in armes vpon the fields ; get granting some words to be hardlie delyverit (thocht truewlie :) And as concerning the words spokin of the House of Guise de futuro, [as is alledgit,] befor the Lord, he remembers not he spake such wordes, neither had intentioun nor meaning to speake the famein, and if he spake the famein, it was ane fault et lapfus linguae.

The Moderatour, at command of the said Assembly, in the name and feare of God, admonischt the said brother, and all vthers gong men of the Ministrie, and haill Assembly, in all tyme comeing, to speake so reverentlie and discreitly of his Majestie, that they may have so cleir warrand of thair speiches as may fullie satiffie thair awin conscience befor God, and have approbation and allowance of all the godlie, and his Majestie have no just cause of complaint and mislyking in tyme comeing : Quhilke admonition the said Johne with all humilitie reverenced.

Humble Answers of the Generall Affemblie of the Kirk [conveinit] at Edenburgh, the 27 day of May 1594, to his Majesties Articles, prefentit be his Commissioners.

First, Anent the tyme and place of the Generall [Affemblie :] The famein is appointit be advyce of his Hienes Commissioners prefent, according to the act of Parliament.

2. The act made be the Generall Affemblie at Dundie, is de novo ratified and approvin. And the particular of Johne Ros resolvit, as his Majestie falbe informit more particularlie be the Commissioners of the Kirk to be direct to his Grace.

3. Twitching Mr Andro Hunter: The Affemblie hes proceidit and givin ane sentence of depositioun for his offence aganis him, quibill he satisfie his Majestie and the Kirk.

4. Every particular Minister within his charge is straitlie commandit to disswade their flocks, as weill be publick as privat exhortatiouns, fra concurring with the treasonable attempts of Bothwell, or any [vther] traitour to his Majestie, that rai ses or fall raise themselves vp against his authoritie; and sicklyke to take heid and suffer not their flocks, vnder culour of religioun, or quhatfoevir false pretext, to receive wages of any perfouns without his Majesties warrand, and namelie of the faid Bothwell.

5. They have appointit a reaonable number of brethren to awaite on his Majestie, for satisfieing of the last article.

With thanksgiving to God for his mercies, the Affemblie disolvit.

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A. D. M.D.XCV.

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THE Generall Assemblie of the Kirk of Scotland conveinit at Montrois, the 24 day of Junij 1595 geirs.

Exhortatioun was made be Mr Andro Melvill, Provest of the New Colledge of Sanct Androes, and Moderatour of the laft Assemblie. Mrs Robert Pont, Peter Blackburne, James Niclfone, were on the leits, and the faid Mr James, be pluralitie of vottis, was chosin Moderatour hac vice.

Sessio 2<sup>a</sup>. 24 Junij.

Anent the questioun movit in the Assemblie, If it be proper to them to declare be the Word of God, quhat mariages are laufull, and quhat are vnlawfull, so farre as concernes the spirituall part therof: It was anfuerit affirmativé, that it was proper.

Sessio 3<sup>a</sup>. 25 Junij.

Ordaines the Prelibties in all parts within this countrey to proceid against the Papists within thair bounds, with the sentence of excommuni-

cation : And because of the weaknes of the Presbitrie of Inuerneſſe, ordaines them to proceid therin with the advyce of Mrs George Monro, Johne Monro, Johne McKengie, and Andro Crombie.

Forsameikle as diverse Papists and suspect of Papistrie, after thair subscription and aithes, pretending deadly feids, abstaining from the table of the Lord, quherby they vtter themselves in effect and in heart to continue Papists : Therfor the Assemblie ordaines the Presbitries quher fick persons are, to proceid against them with the sentence of excommunication so long as they refuse to communicat, in the famein manner as if they had not subfcryvit nor givin aith.

Forsameikle as diverse persons cutt of from the societie of the Kirk be sentence of excommunicatioun pronouncit against them, notwithstanding they are receivit and intertwainit as if they were the true members of Chryſts Kirk, to the great contempt of God, and the evill example of vthers : The Assemblie therfor ordaines the Presbitries quher fuch persons are, to proceid against them according to the acts of the Kirk, vnder the paine of publick rebuik in face of the whole Assemblie of the brethren of the Presbitrie, if fault be found in them, and making humble confeffioun vpon thair knees of thair offence, in case the famein be found in them as said is, and vnder the paine of the depositioun of the Minister in whose default the said ordinance of the Kirk is not execute ; and that the famein penaltie and executioun be vſit and flike vpon them that hes intercomuning, intelligence, or familiaritie with the saids excommunicats, quhilk is vſed aganis the receipters forſaid, vnder the famein paine.

Seffio 4<sup>a</sup>. Eodem die.

Forsameikle as ther is divers persons professing with vs the veritie of the Gofpell, quhilkis nevertheless the ſpace of diverse geiris, vnder pretence of deadlie feids, hes withdrawin and daylie withdrawes them from participation of the holy table, declareing therby how little they eſteime that great benefit, and in effect, as it were, cutting aff themſelves from the communion [of the faithfull :] Heirhoir ordinance is givin to all Presbitries within thair bounds, to charge all persons abstaining from the communion be reaſon of deadlie feids, notwithstanding therof, as it becomes christian members, to participat the ſaid holy table ; and in case they be obſtinat

and refuse, to proceid with the censures of the Kirk against them ; it being alwayes considerit be the Presbitrie, that if ther be any of infirmitie or tendernes of conscience that refuseth, in that case the said Presbitrie fall travell with the faids persons to bring them to thair duetie and participatioun of the faid table, granting, with good advyce and discretioun, some reasonable [tyme] as to resolute themselves, within the quhilke if they give not obedience, and refuse to participat as said is, that the said Presbitrie proceid against them with the sentence of excommunicatioun.

Selio 5<sup>a</sup>. 26 Junij.

The Kings Majesties Commissioners defyrir of the Assemblie, that he micht have ane choise of such two of the Ministrie his Majestie wald nominat, in place of Mr Johne Craig and Johne Duncansone. The Assemblie hes found meitt [and votit] that a certaine of the most grave, learned, and best disposed brethren of the haill Ministrie be chosin and nominat be them, out of the quhilke it may please his Majestie to nominat two : Vnto that effect Commissioners to be appointit before the end of this Assemblie to advyse his Majestie of the choise to be made of these whose names falbe fett downe befor the Assemblie dissolve ; craveing his Hienes Commissioners to make his Majestie foirsein, that they may know on quhom his eyes are fett, and be resolvit befor thair louling.

Anent the planting of Kirks : Because ane speciall impediment hes been therof, the dilapidatioun of the benefices posset be the brethren of the Ministrie, quho [hes] fett thair benefices with the diminutioun of the rentalls, or be conversioun of victuall in silver, not regarding the acts and ordinances of the Assemblie : Heirfor for remeid, the Generall Assemblie hes givin power and commissioun to the brether vnderwrytin within the bounds particullarie vnder devydit, to call befor them sick persons within the Ministrie, that sen the act of the Assemblie, made in the geir of God 1578, hes fett thair benefices with diminutioun of the rentall therof, or conversioun of the victuall in silver, [and] to proceid against them with the sentence of depositioun, quhilke fall stand in force ay and quhill they restore thair benefice to the awin integritie, quherin the famein was at thair entrie ; that is to say, To Mrs Andro Melvill, James Melvill, Robert Wilkie, Thomas Buchannan, Andro Monereif, to call befor them the faids persons within

the bounds following, viz. from Spay to Tay, and all Louthiane, Mers and Teviotdaill, to compeir befor them in Sanct Androes: Nixt Mrs David Lindsay, Robert Bruce, David Fergusone, Robert Pont, James Balfour, or any thrie of them, to sitt in Edinburgh, and call the faids dilapidatours befor them, within the bounds of the haill [north] to Spay and Fyfe, as als benefitit perfons that hes made dilapidatioun within the Dyocie of Ros: Thirdlie, Mrs Patrick Simfone, Andro Zoung, Harie Levingstoun, James Pont, Johne Davidstone, to sitt in Striveling, and call befor them the faids brethren that hes dilapidat thair benefices within the bounds of Striveling-shyre, Stratherne, Cliddisdaill, Dumbartane, Ranfrew, Lennox, Kyle, Carrick, Cunighame, Galloway, Nitheſdaill: And for the better executioun to be had of this commissioun, ordaines everie Prefbitrie within the bounds forfaids, to send to the judges every ane of them within thair awin bounds, particular information and anſuer to the heids quhilk falbe pennit be thair brother, Mr Robert Pont, betuixt and the 15 of August nixt: And to the effect that the Prefbitries be not ignorant heirof, the Assemblie presentlie has nominat the brether after ſpecificet to give warning to the Prefbitries within the bounds reſpectiue following, according to the divilioun aftir ſpecificet: That is to ſay, Mr Andro Crombie for Ros; Mr Alexander Rawſone, Mr Alexander Dowglas, for Murray; Mr Peter Blackburne, Mr Duncane Davidſone, James Reid, for Aberdeine; Mr Andro Mill, Mr Alexander Forbes, for Mernes; John Durie, Mr James Melvill, for Angus; Mr Alexander Lindsay, and William Glaffe, for Stratherne; Mrs James Melvill, David Fergusone, for Fyfe; Mrs Walter Hay, Andro Blackhall, for Louthiane; James Deis for Mers and Teviotdaill; for Tweddall, Mrs Andro Blackhall and Walter Hay; for Strivelingſhyre, Mr Adame Ballantyne; for Cliddefdaill, Ranfrow, Lennox, and Dumbartane, Mr Walter Stewart and Mr Gawin Hamiltoun; for Nitheſdaile, Mr James Bryſſeoun, Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr David Barklay: Quhilks informacions being receivit be the faids judges, ordaines them, with all diligence, to proceid againſt the faids perfouns. And for the faithfull executioun of the ſaid commissioun, the faid judges was ſworne, except Mrs Thomas Buchannan, Robert Bruce, Patrick Simfone, Harie Levingſtoun, James Pont, quho were not preſent.

Forfameikle as a great occaſion of the none planting of the kirks ſtands in laike of proviſion of the Miniftrie, and that thair ſtipends from geir to

ȝeir, being changeable, they are drawin from thair kirks, to the negleȝting of thair flockis, and to the disgraceing of thair callings: With commoun advyce it is heirfor concludit and resolvit, that ane constant platt falbe fett downe be the brethren following, appointit out of everie province, quho fall fitt and conveine the first day of September nixt in Edenburgh; and befor their conventioun and sitting, every Presbitrie fall, betuixt and the 15 day of Auguft nixt to come, delyver to thair faids brethren appointit of their provinces, ane resolvit informatiou, wrytin in forme of a booke in mundo, of the estate of thair kirks, in the heids following; viz. of the names of the benefices within thair bounds, whither the famein be severall benefices, or annexit; quho is patron of therof, quho is posseffour; be quhat rycht the famein is bruikit; the auld rent, the prefent rent, and the just availe therof; and quhat kirks may be unite or divydit: quhilks informatiouns being receivit and collectit together, the faids Commissioners conveining together as faid is, fall appoint every Presbitrie severall dayes, to direct a speciall brother fullie instructit be them with a constant platt of the kirks within thair Presbitries; and the faid brother swa directed, with the Commissioners forsaids, to conclude and put in forme a constant platt of thair Presbitrie, and so furth to proceid, quhill the worke be wholie made vp and compleit: and after compleiting therof, the faids Commissioners shall make warning to every Presbitrie to direct a brother from them to confidder the haill wark; and the famein being allowit be the faids Commissioners and brethren from every Presbitrie, quhilks are confidderit to be fistie in number, the ratificatioun therof to be focht of his Majestie and Counfell: Of the quhilks Commissioners, chosin out be this Affembly from the provinces, the names followes, viz. from ȝetland, Orkney, Cathnes, and Sutherland, Mr Robert Pont; for Ros, Mr Andro Crombie; for Murray, Mr Alexander Dowglas; for Aberdeine, Mr Alexander Cunighame, Mr Peter Blackburne; for Mernes and Angus, Mr James Nicolstone, Mr Andro Milne; for Stratherne, Dunkeld, Dumblane, and Striveling thyre, Mr Patrick Galloway, Mr Alexander Lindsay; for Fyfe, Mr Thomas Buchaman; for Louthiane and Tweddall, Mr David Lindsy; for the Merse, Johne Clappertoun; for Teviotdaill, Mr Johne Knox; for Clidfdail, Ranfrow, Leunox, and Dumbartane, Mr Gawin Hamilton, Mr Johne Hewisone; for Nithefdail, Mr James Bryfon, and, in cace of his leikues, Mr Hew Fullertoun; for Galloway, Mr Johne Aikman; for Kyle, Carrick, and Cunighame, Mr Johne Mcquherne: Quhilks brethren

and Commisioners in number 18, fall also have power to make ane platt for ane interim, quhilke being concludit be the faids Commissioners and a brother direc<sup>t</sup> from every Prefbitrie, quhilke will make fistie mair, no reclamatioun falbe therfra, but [quhat] falbe concludit concerning the constaunt platt or interim, fall stand in constant force and full effect, as if the samein had bein concludit be the Generall Assemblie, without any reclamatioun therfra, as said is; and becaus<sup>e</sup> the worke will requyre waiting on, and the faids aughtein Commissioners wilbe put to charges and expences, it is ordainit that thair expensis falbe borne be thair provinces: And for the faithfull executioun [heirof,] they are all sworne, except Mrs Alexander Dowglas, Johne Knox, Patrick Galloway, Johne Clappertoun, and Johne Hewifone, quho were not present.

Sessio 8<sup>a</sup>. 27 Julij.

Compeirit Sir James Chisholme in presence of the haill brethren, and confessit with humilitie his offencis, namelic his apostasie from the religioum, for the quhilke he craveit Gods mercie; and farther he declarit that he professes with vs the [haill] true religioum, renunceand the Antichryst and all his erroris, craveing from his heart to be receivit in the bosome of the Kirk; with the quhilke the brethren being movit, concludit he shoulde be relaxit be the Generall Assemblie, at thair first meiting the morne, from the fentence of excommunicatioun led against him; and therafter the forme of his satiffacioun to be appointit and fett downe be the Assemblie.

The heids of Inquisitioun to be made in everie Prefbitrie anent Dilapidatioun.

Imprimis, To take [up] from every benefic<sup>t</sup> Minister the present rentall of his benefice, and quhat geirlie duetie, be his awin confessioun, he getts prefentlie of the samein.

2. If he hes fett taks therof, [and] to quhom, privatlie or publicklie, and, if neid beis, to take his aith theron.

3. To inquiryre quhat was the estate of his benefice quhen he entred with it, and whither he was hurt [or vitiated] be his predecessor.

4. To take diligent inquisitionn not only be report of the benefit person himselfe, but be vthers that knowes quhat the just valour of the benefice was worth, or payit of old in the besf estate.

5. What the famein wald extend to in geirlie rent of teynds, or vtherwayes, if it were frie of tackis, and in a Ministers awin hand ; and, if neid beis, that the Presbitrie or Commissioner call ane inqueist of men of besf knowledge in the countrey about, to declare the veritie heirin, and fende the famein to the judges appointit in due tyme, with the haill circumstancies befor rehearfit.

His Hienes Commissioners prefentit Articles from his Majestie, craveing the same to be red and answuerit. [The tenor whereof and answers made thereto follow :

The tenor of the Kings Articles. C.]

His Majestie craves that ther be ane a<sup>c</sup>t made, ordaining that quhofoevir fall at any tyme practise any trefonabill interprye or conspiracie against his Majesties person or estate, beand found and declairit culpable [therof] be law, fall lykewayes incurre the sentence of excommunication therfor, that therby ane inseparabile vnioun may be betuixt the two swords.

2. That ane ordour be takin concerning excommunication in thrie points, especialiie, first, That it be not at the appetite of two or thrie particulars, and that it be not proceidit in quhill first ane convenient number of the Kirk be gravelie conveinit. 2. That it be not for civill causes, or finall crymes, and specially any Ministers particular, leift it be thocht that they imitate the Popes cursing, and so incurre the lyke contempt. 3. The forme of summar excommunicatioun, without any citatioun, be alluterlie abolischit in tyme comeing.

Item, In respect Mr Johne Craig is awaiting on quhat honure it fall please God to call him, and is altogether vnable to serve any longer, and his Majestie mynds to place John Duncansone with the Prince, and therfor hes no Ministers bot Mr Patrick Galloway : Therfor his Hienes defyres ane ordinance to be made, granting him any two Ministers that he fall choofe.

[Humble Answiers of the Generall Assembly, conveened at Montrofe,  
to the Articles presented be his Hienes Commillioners. C. & B.]

First, Quher ane ordinance is craveit to be made against practisers of any treasonabill interpryses or conspiracie against his Hienes person and estate, beand found and declairit culpable therof be law, that they therfor fall incurre the sentence of excommunicatioun, The Generall Assemblie aggrieth therto, legitima cognitione [ecclesiastica] preeunte.

As to the ordour craveit to be tane concerning excommunicatioun, especially in 3 points containit in the seconf article, The firt part is condicedit to: And as to the seconf, That no excommunicatioun falbe vsed in causes meere civil, or in small matters, and the abolisching, in tymе comeing, of the former summar excommunicatioun without citatioun: These points importing great weght, and craveing mature deliberatioun, the Assemblie hes thoght meit to superceid all concluding therin quhill the mixt Conventioun, quher, by Gods grace, they mynd to resolve therupon; and that, in the meanetyme, none of the Ministrie proeide to excommunicatioun without citatioun preceeding, nisi periclitetur ecclesia et respiblica.

Anent his Majesties [sute] concerning his Ministers: It is aggreit that his Majestie fall have choise of the most grave, learned and godlie brether of the Ministrie, with advyce of the Commissioners following, to be direct to his Majestie, viz. Mrs Robert Bruce, Andro Melvill, James Melvill, David Lindlay, David Fergusone, James Balfour, Thomas Buchannan, James Nicollstone, Andro Lamb, George Glaidstanes, or any fixe of the laid brethren, qnho are appointit to meit the 22 Julij nixt.

Sessio 9<sup>a</sup>. 28 Junij.

After humiliautioun of Sir James Chisholme on his knies, and acknowledging of his offence to the satiffactioun of the brethren, be the voyce of the Moderatour, the sentence of absolutioun was pronouncit in his favours, and he relaxit from the proces of excommunicatioun led against him.

Anent the act made in favours of the executours of Ministers: The Assemblie and brethren prefent, for cleiring therof, declares, If the Minister die after Michaelmes, quia fruges separatae sunt a folo, that his executours

fall fall that geirs rent, and the half of the nixt ; and that the provisioun of this aȝt be extendit to the reliet of vñquhile Mr James Hamilton, and the Lords reueitit to that effect.

Forfameikle as ther is great cause of humiliatioun of vs befor God, whose vñsible anger appears on the heids of this land,ȝet be the most pairet little regairdit : The Kirk hes ordainit a generall fast and humiliatioun to be vñverfallie observit in all the kirks within this realme, vpon the twa first Sondayis of August nixt to come : The caufes therof to be led out gravelie be the Pastours, according to the grounds they sie and perceive.

[1. The great abouundance and increase of sin, and transgression of all the commandements of God, be all the Estates, fostered be impunity, and laike of justice, produceing in speciaill all kind of murder and oppresſion.

2. The great apostacy, defection, and decay of zeal and godlinefs of every Estate.

3. The great and preſent danger, that the Church, Common well, and King standeth in, through the wrath of God, not only kindled againſt us, but also juſtlie burning and devouring us up already by fundrie fearfull plagues and punishments, as by unfeafonable weather, dearth and famine, and the appearance of greater; the deep confpiracys and daily confederacys of the faction of the known aduersarys to religion, King, and countrie, threatening to root us out from being any more a nation, and the breaking and removeing of our two fates of Church and Common Wealth.

4. The compassion it becometh us to have of our brethren of other Churches, under no leſs danger than we, through all Europe, not only be the Confederats of the Counſell of Trent, but alſo be the barbarous crueltie and great bondage exercized and brought upon our dear and worthie brethren by ſuch as it becometh not, ſpecially in Poland, England, Saxonie, and diuerſe parts of Germanie. C.]

Forfameikle as ther is ane abuse neceſſar to be remeideit, especially in Cathnes and ſome vther parts, quher they that poſſeffes the benefices, dilapidat the haill rents therof, as the late Biſchop of Cathnes did in ſpeciall, except a very diuerſe quantitiue, in penſions moft prodigallie to all that focht the fame, quherby he hes dilapidat the haill patrimonie of the faid Biſchoprick : For remeid quheroſ, the Asſemblie ordaines Mr David Lindsay and Mr James Balfour to admoniſch Mr Thomas Craig and the Solistar of the Kirk, to perſew the ſaids penſioners for redūctioun of thair penſions,

quihilk cannot stand be the law, of the haill, or of the most part of the fruities of any benefice, and to infist diligentlie therin.

Anent mariages : The Assemblie declarit thir two forts to be vnlawfull ; first, when ane perfon marieth another quhom they have pollutit by adulterie ; nixt, quhen the innocent perfon is content to remaine with the [innocent and] guiltie, and the guiltie will have another, or takis another.

As concerning mariages made be excommunicat Preifts, or vthers that hes served in the Kirk, and [are] deposit from thair office, or be privat persons : The Assemblie declares such mariages to be null ; ordaining the brethren of Edengburgh to travell with the Commissars of Edengburgh, that they deeyd according to the faids conclusions.

Anent the contraverzie betuixt the Ministrie of Sanct Androes and William Balfour : The brethren appointit to conferre therament reportit thair judgement following, That the said William fall declare that he knew no vther but that Mr David Black, Minister of the towne forsaid, had left the proeefs of the mans contravertit, and that he hes no wayes proceidit therin, in contempt of the Kirk, or any particular perfon within the same ; and thir things he does protest in conscience, and confesses that he hes done vnduetifullie ; that is to say, that he hes ovrseine himselfe in his duetie towards the Kirk, in midling, not forwarning them with the title of the houise quherin he dwells, in respect of the Kirks designationoun therof past of befor, for the quihilk he is penitent befor God and his Kirk : provyding alwayes, that the faid confessioun be no wayes prejudicall to the faid William in the right and title of the faid houfe, and that the famein be no wayes objected against him, in judgement or out of judgement ; and that the faid William fall make the faid confessioun befor the brethren of the Conference of this Assemblie, the brethren of the Prefbitrie that are heir being prefent : The quihilk being done, that this prefent Generall Assemblie fall discharge the faid Prefbitrie of Sanct Androes from all proceedings be censures aganis the faid William for that matter, and in lyke maner, the faid Mr David from all publiet invectionouns aganis the faid William in his fermouns for that cause ; and the faid Mr David and William, in token of forgivenes of all mutuall offences bygane, and professioun of christian amitie in tyme to come, fall joyne hands together before the faid brether of the conference, and keip the famein amitie in tyme comeing ; remittand the contraverzie of thair titles to the discretioun of the Judges ordinar : and this to be ordainit be the General Assembly, to be declarit in the paroch kirk of Sanct An-

droes, be Mr William Scott, Minister at Kennoquhy. The brethren appointit to conferre be the Generall Assemblie were thir, Mrs Robert Bruce, Peter Blackburne, Willian Scot, Thomas Buchannan, Andro Lamb, Johne Caldcleugh: Quhilk judgement of the faid brethren the Generall Assemblie approvitt in all points.

Anent Gramer Schooles in Townes: Every Presbitrie, within thair awin bounds, is ordainit to take ordour for visitatioun and reformatioun therof, and to deale with the Magistrats for augmentation of thair stipends and provisioun of Maisters; as also appointing of some persons most meitt of thair Counfell, to attend carefullie on the Schooles, and to assit the Maisters in discipline.

Anent the actis of the Assemblie: The brether hes ordainit that the famein be sichtit, and speciall acts for practise of the Kirk be extractit and joynit with the Booke of Discipline, to be publischt either in wryte or print, that none pretend ignorance therof; and to this effect to concurre with the Clerk, Mrs Robert Pont, Thomas Buchannan, James Melvill, Johne Johnstoun, and James Carmichael.

Anent Colledges: In respect that it is thought necessar that ane visitatioun be had of the famein, the present Assemblie hes givin commissioun to thair brether, Mrs James Melvill, Thomas Buchannan, James Balfour, Robert Rollock, Walter Balcanquell, Nicoll Dalgleisch, James Nicollfone, and Alexander Forbes, to conveine together the first day of January next to come, to the visitatioun of the saids colledgis, to try, examine, and consider the doctrine, lyfe, and diligence of the Maisters; the discipline and ordour vil be them; the estate of thair rents and livings; and quher they find abuse, to reforme so farre as they [may:] remittand to the Assemblie such things as they cannot take ordour with; and quhat they effectuat heirin, to report to the next Assemblie.

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A. D. M.D.XCV.

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THE Generall Assemblie of the Kirk of Scotland, haldin at Edinburgh, in the New Kirk thereof, the 24 [22. P.] day of Marche 1595. n 4

Exhortatioun beand made be Mr James Nicolson, laft Moderatour, the Assemblie proccidit to the electioun of a new Moderatour, and appointing on the leits Mrs David Fergusone, David Lindfay, James Balfour, Robert Pont, the faid Mr Robert, be pluralitie of votis, was chosin Moderatour hac vice.

[Mr Davidon, Minister at Saltprestoun, and a member of the Presbytrie of Hadintoun, produced the advice of that Presbytrie, touching the heads of the letter sent from the Commissioners of the Generall Assembly to them. The tenor whereof followeth :

Touching the two heads proponed be the Commissioners of the Generall Assembly to their brethren, to advise upon against this Assembly ; viz. Of univerſal repentance, and earnest turning to God : And of order taking for refiſting the enemies, and maintainance of the liberty of religion and country.

Our advice in the firſt is, That yet once at the laſt, the chief and groſſ fins of all estates, which procure this preſent wrath of God, be agreed upon

by name feveraly, and acknowledged by this Asssembly, for the more easie provocation of the whole body of this realme to earnest repentance, and speedy turning away from the sins forefaid; for as John faith, If wee acknowledge our sins, God is faithfull and just to forgive us our sins: otherwayes, if in so great a multitude of our iniquities, which this day answere so plainly to the faces of all estates of this realme, wee say one shill with the unhappy Jewes, as hitherto wee have done, Wherein have wee sinned: what else do wee, but as desperatly they did, and said in the days of Jeremy, Surely wee will walk after our own imaginations, and doe every man after the stubborneſſeſ of his wicked heart. And ſo as it is ſaid in the Law, The Lord will not be mercifull vnto us, but will ſhew us the back, and not the face, no not though Moses and Samuel would pray for us in the day of our deſtruclion.

And to begin at ourelfes of the Miniftry, That wee acknowledge our publick transgrefſions in our perſons, and office particularly, whereof the catalogue is in readineſſe to be ſeen, according to the admonition of the Lord by his prophet, ſaying, Let the priеſts, the minifters of the Lord, weep between the porch and the altar, and let them ſay, Spare thy people, O Lord, &c.; leſt it be found according to the ſaying of the Apostle, That wee that teach others, teach not ourelfes, and ſo be found reprobates.

Next, That this Asssembly agree upon the true and right taking up the ſins of our Princes, and Magiftrats ſuperior and inferior; and on the found means to deal with them dueſtifully and faithfully, without all flattery, for their true amendment, according to Gods command to the prophet, ſaying, Say unto the King, and to the Queen, humble yourſelves, ſit down, for the crown of your glory ſhall come down from your heads; for their ſins are not the leaſt cauſe of the plague of God on the people, as by David, Maſaffles, and others may be ſeen.

Thirdly, and laſt, That the moſt notorious ſins of the whole body of the people in burgh and land, be given in, and acknowledged, and order taken for the ſpeedy ammendment thereof by the Miniftry and Magiftrats, according to the examples of Jofuah, Jehofaphat, Ezekias, Jofias, the King of Niniveh, Constantius, Conflantine, &c., the Prophets, and Apofles, &c. The catalogue over eaſy to be made.

As for reſiſting the common enemy, which is the ſecond, our judgement is, That the found following out of the former advice touching the firſt, ſhall make an eaſy way for the ſecond; otherwayes, which God forbide, it

will be but lost labour to travell much in that matter ; yet wishing and hoping the best, wee have remitted the particulars of that matter, and our advice thereanent, to the Commissioners of this Presbytrie, who faithfullie (wee doubt not) will discharge their duty in the same.

This advice was approved be many, but withstood be some, namely, the Moderator himself, Mr Robert Pont, who alledged, that the first and chief motive of their conveening was to consult upon their withstanding the Spainards. The Commissioners letter was read, and it was found that Mr Davidson had said right.

Mr Davidson was appointed to give up the particular catalogue of the chief offences and corruptions in all estates.

He presented the catalogue of offences in Ministers, upon Wednesday before the Assembly. Mr Andrew Melvill desired to be added, The censure answerable to the offence. Whereupon Mr Nichol Dagleish, Peter Bleckburn, Walter Balcanquall, John Mackquhern, Adam Johnstoun, John Knox, James Law, John Johnstoun, and Mr Davidson himself, were appointed to goe apart, and to consider what offence merited admonition, what deprivation ; which they did. C.]

Sessio 4<sup>a</sup>. 25 March. [1596.]

[Upon Wednesday the 25 of Marche, the King came himself to the Assembly. He urged a contribution of the whole realme, not to be listed prefently, but when need shoulde require. The Moderatour exponed to his Grace, the two heids quherin the Kirk hes hitherto bein occupied, and how farre els it hes proceidit, viz. First, The substantiall heid, [for] moyen how to resist the enemie, quilk was verbo recited be my Lord Kinlof, for the rest of the number deput to advyse therwith ; and nixt, concerning the purgatioun of the Kirk of offences : And because the first is not get thoroughlie concludit, the Assembly thocht it expedient that the Barones and Ministris quilk mett therpon, take farther resolutioun afternoone, and present thair advyce to the Assembly in wryte. C. & B.]

His Majestie therafter proponit the lamentable diffordour of the geirlie alteratioun of the platt [appointed for the modification of Ministers fliends,] and therfor defyrit that ane constant platt foulde be made, quhervnto his Majestie was most earnestly bent. The Assembly hes thought meit

befor any thing be concludit therin, to sie the act of Parliament made in the geir of God 1592 geiris.

Sessio 5<sup>a</sup>. Eodem die.

Overtures for refisiting of the enemies of the religioun and estate of the countrey, asweill forraine as intesfine.

First, That all sic that hes kythit in action with his Majesties forfaultit rebels, and thair knowin favourers and assisters, be chargeit to enter thair persons in ward, ther to remaine ay and quhill they find sufficient cautiou, that they fall not traffique nor intertwaine intelligence with the faids rebels, nor any vther enemies to the estate or religioun, neither fall joyne with them nor make them any assistance, in cace they repare within the countrey; and that they give thair eldest sonnes or neirest freinds in pledgis for the [maire sure] observing heirof.

2. That the haill livings of the forsaids rebels to his Majestie, be exactlie tane vp be his Majesties officiars to be appoyntit for that effect, and to be employit for the entertainment of hyred men, for defence of the good caufe against the enemies, and for bearing of vther charges necessar for the advancement of the faid cause, as ane of the effectuall meanes to encourage all such as are knowin to be weill affectionat to the caufe, and to procure thair anefald concurrence to the vttermoist.

3. That ther be chofin in every paroch be his Majesties authoritie, and vott of the Minister, Sessioun, and Principalls of every paroch, Captaines knowin to be most meitt [and of best affectioun,] to convein the haill paroch in armes monethlie in mustures, and to sie that they be all sufficiently armeit according to thair abilitie, and trainit vp in the exercise of thair armes: And sicklyke that ther be chofin Generall Commanders in diverse quarters and fhyres of the countrey, to conveine in armes at all occasiounes neidfull, to refist all attempts and interpryses of the enemie forraine and intesfine.

4. That some substantious ordour be takin for bringing hame sufficient number of corfletts, musketts, picks, and vther armour neidfull; and that the famein be brocht and receivit aff the merchands hands with all expeditioun.

Last, That the haill cautioners that became bound for the good behaviour of the faids rebels without the countrey, be chargeit befor the Counsell, and convict of the penalties conteinit in the acts of the cautionrie ; and that the faids penalties be employit vpon the fustentatioun of hyrit men, and vthers burdens neidfull for the weill of the caufe.

Sessio 6<sup>a</sup>. 26 March.

Forfameikle as the towne of Edinburgh hes takin purpoſe and labour in divyding of their populous congregatioun, and hes made good progreſſe therin to the good example of the countrey ; notwithstanding the worke remaines imperfyte in a part, through not divisioun of the Auld Kirk be a parpall wall, being verie commodious and litle expensive : Therfor the Asſemblie direc̄tit my Lord of Kinloſe, the Kings Majesties Commiſſioner, the Lord Sinklair, the Justice Clerk, Mrs Peter Blackburne, James Nicolfone, Andro Melvill, [to] the Counſell of the faid burgh, immediatlie from the Asſemblie, to exhort and requeiſt the Counſell to further and perfyte the good beginning, and to divyde the faid kirk be ane parpall wall.

Quho returning back with the Bailies of the towne, declarit that the Counſell, be reaſon this day of Law is not frequent, alwayes to the diviſioun be a parpall, hitherto they could not aggrie, being myndit to build the Tolbuith ; defyreand the Kirk earneſtlie to requeiſt the Lords and Colledge of Justice, quho hes land within the burgh, that they wald contribute therto : quhervnto the Kirk aggried, provydeing that they wald fall to prefentlie to the diviſioun be a parpall : ordaining the Bailie to report the direc̄t anſuer of the Counſell heirvpon, vpon Mononday nixt to come.

Ordaines ane article to be givin in to the Kings Majestie for establiſhing ane āct, annulling all taks fett be Ministers without conſent of the Asſemblie.

Sessio 7<sup>a</sup>.

Anent contraversies and deciſioun therof amongſt the Ministers : The Kirk and Commiſſioners prefent ratifies the āct made at Dundie heiranent,

and ordainit the fame to be extendit to Reidars afweill as Minifters ; and the paine of contumacie mentionat theirin to be deprivation.

Becaufe the bounds of Nitheſdaill, Annandaill, and Galloway, are deftitute of Paſtors, the Kings Majefties Commissioners proponit to the Afſemblie, that the Kirk wald take care to appoint ſome qualified men for the Miniftrie ther, for whofe proviſiou and intertainment his Majeftie wald take ordour.

Concerning the defectionis of the Miniftrie : The famein at length being red out, [reafonit,] and conſiderit, the brethren concludit the famen aggrieing therwith ; and in reſpect that be Gods grace they intend reformation, and to ſie the Kirk and Miniftrie purgeit ; to the effect the worke may have better ſucceſſe, they think it neceſſar that this Afſemblie be humblit for wanting ſuch care as became them in ſuch points as is fett downe, and ſome zealous and godlie brother [in doctrine] lay them out for thair better humiliatioun, and that they make ſolemne promife befor the Majeftie of God, and make a new covenant with him for a more reverent and careful dischargeing of thair miniftrie : To the quibilk effect was choſin Mr John Davidſone, and Teufday nixt, at nyne houres in the morning, in the New Kirk, is appointit for that effect ; quhervnto none is to refort but the Miniftrie. The forme is to be advyſed the morne in privie conference.

#### Seflio 8<sup>a</sup>.

[This commission following was given for viſitation of Kirks.

For as much as it being conſidered be the Afſemblie and Commissioners present, to be a thing moft neceſſar, that the moft dangerous parts of the country, and where leaſt, or no planting is, a viſitation ſhould be appointed to occurr the dangers already fallen out, or that may farther fall out if they be not prevented ; and for the better planting of the Miniftry, where as yet it is not planted : Herefor the Afſemblie has given and committed, and be the tenour hereof gives and committs their full power and comiſſion to their loving brethren under written within the particular bounds after ſpecified, according to the diuiſion following, to viſit and try the

doctrine, life, diligence, and fidelity of the Pastors within the Presbyteries, where they are established already; and also in the bounds, where as yet no Presbyteries are planted; and therein to take inquisition and tryal, if there be any beneficed persons of the Ministry not making residence, having no reasonable cause to purge the fame; if there be any that have delapidated their benefices, fett tacks, or made to others dispositions of their benefices, or any part thereof, by the consent of the Generall Assembly; any flanderous, or unmeet to serve the Kirk of God: And if any such be found, to proceed against him according to the quality of the said offence, according to the acts of the Kirk; affuming to them such brethren of the Presbytrie, where they make tryal, as they think most zealous, sincere, and best affected to reformation, to affist them, with power alwa to depose such as are worthy of deposition be the acts of the Kirk, and place others in their rowmies. And where no Presbytrie is, the brethren appointed to the visitation of these bounds, to travell diligently to plant the Ministry therein, and to proceed in all the heads above written be themselves, with the like power of deposition with the former. The particular times of their visitation to begin as hereafter shall be appointed; and generally, in all things to proceed as the Assembly might doe, if they were present: That is to say, for the bounds of Orkney, Zetland, Caithness, and Sutherland, Mr Robert Pont, Mr Alexander Dowglafs, Minister at Elgin, Mr George Monro, Elder, to beginne their visitation the first day of June next: For Rofs, Murrey, and Abberdeen, Mr James Nicolson, Mr Patrick Bleckburne, Mrs James Melvill, Andrew Melvill, with the said Mr Alexander Douglafs, to begin their visitation the first of August next: For Angus, Mr James Balfour, David Lindsay, Andrew Muncreif, or any two of them, to begin their visitation the first of July next: For Kyle, Cariet, Cuninghame, and the bounds of Galloway, Mrs Robert Bruce, Patrick Sharp, John Spotswood, to begin their visitation the first of July next; and the said Mr Robert Bruces place, in his absence, to be supplyed be Mr Robert Rollock: For Nithfdale, Annandale, Lauderdale, Eskdale, and Ewisdale, Mr John Davidson, John Johnstoun, William Scott, John Carmichael, John Knox, and John Welfsh; their visitation to begin the first of August next to come. And ordaines the Presbyteries which have no visitors appointed be this Commission, to be carefull in their own visitation while the next Assembly: Injoyning also the Presbyteries, out of which Commissioners are tane to visitation, and what the said

Commissioners doe in execution of this commission, to report to the next Generall Assembly of the Kirk, &c. C.]

The tenour of the advyee of the brethren deput for penning the corruptions and enormities in the Ministrie, and remeid therof, allowit be the Generall Assembly heir conveinit.

### Corruptions in the Office.

Forfameikle as be the too sudden admisioun and light tryall of persons to the Ministrie, it cometh to passe, that many flanders fall out in the persons of Ministers, it wald be ordainit in tyme comeing, that more diligent inquisition and tryall be vfed of all such persons as fall enter in the Ministrie, as speciallie in thir points.

That the intrant falbe posed vpon his conscience befor the great God, (and that in the most grave maner,) quhat moves him to accept the office and charge of the Ministrie vpon him.

That it be inquirit, if any by folistatioun or moyen, direc<sup>t</sup>lie or indirec<sup>t</sup>lie, preafe to entir in the said office ; and it being found, that the folister be repellit, and that the Presbitrie repell all such of thair number from votting in the electioun or admillion as falbe found moyeners for the folister, and posed vpon thair conscience to declare the trneth to that effect.

Thirdly, Because be prefentatiouns, many forciblie are thrust in the ministrie and vpon congregatioun, that vters therafter that they were not callit be God, It wald be provydit that none feik prefentatiouns to benefices, without advyee of the Presbitrie within the bounds quherof the benefice lyis ; and if any doe in the contrair, they to be repellit as rei ambitus.

That the tryall of persons to be admitted to the Ministrie heirafter, consist not only in thair learning and abilitie to preach, but also in conscience, and feiling, and spirituall wisdome, and namelie, in the knowledge of the bounds of thair calling, in doctrine, discipline, and wisdome, and to behave him accordingle with the diverse ranks of persons within his flock, as namely, with atheists, rebellious, weake consciencies, and sick vthers, quherin the pastorall charge is most kythit, and that he be meitt to flop the mouthes of the adverlaries ; and sick as are not found qualified in thir points to be delayit to farther tryall, and quhill they be found qualified.

And becausē men may be found meit for some places, quhilk are not meitt for vthers, it wald be considerit that the principal places of the realme be provydit with men of most worthie gifts, wisdome and experiance, that none take the charge of greater number of peiple nor they are able to discharge; and the Assemblie to take ordour heirwith, and the aēt of the Provinciall Assemblie of Louthiane made at Lynlithgow to be urgeit.

That such as falbe found not givin to thair booke and studie of Scriptures, not carefull to have bookis, not given to sanctification and prayer, that studie not to be powerfull and spirituall, not applying the doctrine to his corruptioun, quhilk is the pastoral gift, obscure and too scolaſtike befor the peiple, cauld and wanting zeale, negligent in visitinge the feik, careing for the poore, or indifreit in chooſing of parts of the Word not meiteſt for the flock, flatterers, and difſemblin publick fins, and ſpeciallie of great perfonages in thair congregatioun, for flatterie or feare; that all ſick perſons be censured according to the degries of thair faults, and continueing therin, to be depryvit.

That such as be flouthfull in miniftratioun of the facraments, and irreverent, as profaners, receiving cleane and vncleane, ignorant and fenſles profane, and making no conſcience of thair professioun in thair calling or families; omitting due tryall, or vſing none or light tryall; having reſpeſt in thair tryall to perſons quherin there is maniſt corruptioun: that all ſick be sharply rebukit, and if they continue therin, to be deposit. And if any be found a feller of the facraments, that he be deposit ſimpliciter; and ſick as colludes with flanderous perſons, and diſpenſing and ovirſieing them for money, incurre the lyke punishment.

That every Minister be chargeit that he have a ſeffioun eſtabliſhed of the meiteſt men in his congregatioun, and that diſcipline ſtrike not only vpon groſſe finnes, as whordome, bloodshed, &c. but vpon all fins repugnant to the Word of God, as blaſphemie of God, banning, profaining of the Sabbath day, diſobedience to parents, idle vnrulie anes without calling, drunkards, and ſicklyke debofhit men that makes no conſcience of thair lyfe and ruleing of thair families, and ſpeciallie of education of thair children, lying, flandering, backbytting, flattering, and breeking of promiſes: And this to be ane vniuersall ordour throughout the realme; and ſuch as are negligent, continueing therin after admonitioun, to be deposit.

That none falling in publick flanders be receivit againe in fellowship of the Kirk, except his Minister have ſome appeirand warrant in conſcience,

that he hes both ane feiling of sin, and appreheſioun of mercie ; and for this effect that the Minister travell with him be doctrine and privat iſtructioun, to bring him heirto, and ſpecially in the doctrine of repen‐tance, q̄thilk being neglected, the publick place of repen‐tance is turned in a mocking.

Dilapidatioun of benefices, dimitting of them for favour or money, that they become laik patronages, without the advyce of the Kirk ; and ficklyke, interchanging of them be tranfaſtioun, and tranſporting of themſelves be that occaſioun, without the knowledge of the Kirk, be prieſtlike puniſhed : Sicklyke, ſetters of taks, without the conſent of the Aſſemblie, be puniſhed according to the acts ; and that the diſiſioun in favours for money or vtherwayes to the effect above wrytin, be puniſhit as the dilapida‐tors.

### Corruptionis in thair persons and lyves.

That fick as are light and wantoun in thair behaviour, as in gorgeouſ or light apparell, in ſpeich, in vfeing light and profane compa‐nie, vnlawfull gameing, as dancing, cardeing, dyceing, and fuch lyke, not beſeiming the gravetie of ane Paſtour, be ſharplie and gravelie reprovit be the Presbitrie, according to the degrie therof ; and continuing therin after due admonitionioun, that he be depryvit as flanderous to the Gofpell.

That Minifters being found ſwearers or banners, profaners of the Sabbath day, drunkards, fighters, guilty of all thir or any of them, to be de‐poit ſimpliſter ; and fuch lyke, liers, detrac‐ters, flatterers, breakers of promiſes, braulers and quarrellers, after dew admonitionioun continueing therin, incurre the fame punishment.

That Minifters givin to vnlawfull and incompetent trades for filthie gaine, as halding of hoſtliaries, taking of ocker beſyd good conſcience and lawis, and bearing warldly offi‐ces in Noble and Gentlemens houfes, merchandise, and fuch lyke, buying of vi‐tuall and keiping to dearth, and all vther worldlie occupationis as may diſtract them from thair charge, and be flander to the Paſtoral calling, be admoniſhed and brought to the acknowledg‐ing of thair faults, and if they continue therin, to be de‐poit.

That Minifters not reſident at thair flocks be de‐poſed, according to the acts of the Generall Aſſemblie and laws of the realme ; vtherwayes the burdein to be laid vpon the Presbyteries, and they be censurit therfor.

That the Aſſemblie command all thair members, that none of them

awaite on the Court and the affaires therof, without the advyce and allowance of the Presbytrie.

Item, That they intend no actioun civil without the said advyce, except in small matters ; and for remeiding of the necessitie that some Ministers haue to entir in pley of law, that remedie be craveit, that short proces be devysed to be vsed in Ministers actiouns.

That Ministers take speciaill care in vfeing godly exercises in thair families, and teaching of thair wyves, children, and servants, in vsing ordinarie prayers, and reiding of the Scriptures, in removeing of offensive persons out of thair families, and such lyke vther points of godly converfatioun and good example ; and that they, at the visitation of thair kirks, try the Ministers families in thir points forsaids ; and such as are negligent in thir points, after due admonition, shalbe judgeit vnmeit to governe the house of God, according to the rule of the Apostle.

That Ministers in all companies stryve to be spirital and profitable, [and to] talk of things pertaining to godlines, as, namelie, of sick as may strenthen them in Chryſt, instruct vs in our calling, of the meanes how to have Chryſts kingdom better establiſhed in our congregatiouns, and to know [how] the goſpell flouriſhes in our flocks ; and such lyke vthers the hinderances and the remedies that we find ; quherin ther is manifold corruptioun, both in the companyng with ourelves and with vthers ; and that the contraveiners heirof be tryit and sharply rebukit.

That no Minister be found to countenance, affil, or procure for ane publick offender challengit be his awin Minister for his publick offence, or to beare with him, as thogh his Minister were too fevere vpon him, vnder the paine of admonition and rebooking.

Anent Generall Asssemblies : To urge the keiping of the acts anent the keeping of the Asssembly, that it may haue the awin reverence.

Sessio 10<sup>a</sup>. 29 [Martii.]

Inſtructioun to Mrs James Prestoun, and Edward Bruce, Commendatour of Kinloſ, his Majesties Commissioners to the preſent Generall Assembly.

Imprimis, ¶ We fall ſhew to the faid Assembly our good will to haue all the kirks of Scotland plantit with Ministers, and ſufficient livings appointit

to them, to the great hurt of our awin rent, and that portiou of the thrids quhilk was assignt to our houfe, and our Comptrolloours in posseſſioun therof: Bot sieing that the baill thrids is not fufficent to plant the baill kirks, nor ſet comodious to Minifters to ſerve in ane place, and have thair livings to feik in another [very] farre diſtant from thair cure: Therfor we thought good to fett fordwart ane ordour for locall ſtipends, founded vpon this ground, that all the kirks of Scotland foulde have Minifters, and all Minifters ſtipends within thair awin paroches, of ſick valour, as be our auſthoritie on the ane part, and concurrence and procurement of the Kirk on the vther, might be obtainit from the takfmens of teinds, prefent poſſefſours of the faid rent; for the quhilk eſſeſt we cauſit ane aſt of Parliament to be made in the geir of God 1592, grantand commiſſioun to certayne Noblemen, Counſellers, Officiars, [and] Minifters, on the vther parts, to intreat and proſecute this matter; and als heſ givin command in particular, to certayne of our Lords of Checker to help, with thair advyce and labours, to bring this matter to ſome perfeſtioun, quherin, as we vnderſtand, ther is ſomething done, as ane part of the brethren can [bear] record. Lyke as we, continueand in our good mynd in our tyme to have the kirks ſettlit anent thair livings, and not intanglit geirly with proceſſes, and our baill kirks plantit within this realme, be thir prefents, offers and promitts to the faid Affemblie, to cauſe our Commiſſioners, Counſellers, and Officers, to conveine prefentlie, befor the expyeiring of this Affemblie, with the faid Commiſſioners for the Kirk, to begin this good purpoſe, and to lay the ground, and fett downe the ordour, and tyme and place of conveining, to proſecute the famein to the finall end, conforme to the aſt of Parliament, ſo that the ſtay, (if any,) falbe on the part of the Kirk, as it has bein of befor, and not on our part.

Item, ſe fall flew to them that it is a ſtay to this good worke, that be ſome of thair preachings they wald make the peiple to vnderſtand, that we and our Counſell ſlay the planting of kirks, and take away the prefent livings poſſeſſ be Minifters; albeit the contrair be of veritię, that We and our Counſell is moſt willing that the baill kirks be plantit, and the rents of the Minifters augmentit, ſo farre as lawfullie may be obtainit with conſent of our Nobilitie, and vthers takfmens of teinds, whose rights, but ordour of law, We cannot impare; and therfor this forme of preaching discourages our good Counſellers moſt willing to this work, and is a neavie flander

vpon the Ministers themselves, quherin ge fall defyre ordour to be taine, that the lyke be not done in tyme comeing.

Item, ge fall defyre these gour instruetions in our name, to be registrat in the Books of the Assemblie, as ane perpetuall testinonie of our good will; and als that answers be given, [in particular,] be ane generall voting of the haill Assemblie, and no wayes to be referrit to ane privat conference; and the answers fa vottit to every particular heid to be registrat in lyke maner therwith, and the extract of all these articles and answers to be delyverit to gou, to report to vs again. Sic subscribitur,

JAMES R.

Seffio 11<sup>a</sup>.

[Upon Tuesday the 30 of March, the Ministers and other Commissioners conveened in the Little Kirk at nine hours, the one kirk door being shutt, and the other sett open for a certain spase, whereby it came to pafs, that few were present, except the Ministry, the whole number amounting to four hundred perfsons, all Ministers, or choise profeffors. After the first prayer, Mr Davidson caused the Reader to read the 15 and 34 chapters of Ezekiel: which being done, firſt, he purged himſelf of ambition for that place; yet ſeeing it pleasd God, ſaid he, to move them to choife him the leaſt worthy, and unmeetef in the number, to occupy the place of a teacher that day, they were not to look, that he came there to be censured of them, but to uſe the authority of a teacher as to diſciples in that reſpect; and yet did not take from them the liberty that God gave them to try the ſpirits, whither they were of God or not. He ſhewed, that the end of that convention was the confellion of their own fins, who were Ministers, and promise of amendment in time to come, and ſo to enter into a new league with God, that being ſanctified by repenſance, they might be the meeter to provock others to the fame; that they ſhould not think it needleſs nor ſtrange to enter in examination of themſelves guilty of the imminent judgment. They were to conferr, and compare themſelves, their learning, geal, godlineſs, multitude, dayes, times, occasions, and helps, or rather wants, with the Prophets of former times, namely the Prophets of theſe dayes, whereof theſe two chapters treated, and ſee what privilege they have more than they had; and why among their multitude pro re nata

there might not be as many false prophets, and as few true and sincere, as were in these dayes. He amplified this head, and said by preterition he would not be rhetorical in discourse ; and yet he was very moving in application to the prefent times, so that within an hour after they entered in the kirk, they looked with another countenance, than that wherewith they entered. He exhorted them to enter into their privy meditations, and to acknowledge their sins, with promise and purpose of amendment. So while they were humbling themselves for the space of a quarter of an hour, there was much sighs and sobs, with shedding of tears, among the most part of all estates that were prefent, every one provoking another by their example, and the teacher himselfe be his example, that the kirk refounded, so that the place might worthyly be called Bochim ; for the like of that day was never seen in Scotland since the Reformation, as every man confeſſed. There have been many dayes of humiliation for prefent or imminent dangers ; but the like for sin and defection was there never since the Reformation.

After the prayer and publick confeſſion, he treated upon Luke 12. 22, with rare affiance of Gods Spirit, to the wonderfull astonishment, and casting down, and to the raiſing up again of the brethren. The exercise continued till near one afternoon. When the brethren were to diſſolve, they were ſlayed be the Moderatour, and desired to hold up their hands to teſtify their entering into a new league with God.

#### Seffio 12<sup>a</sup>. Penultimo Martij.

Forfameikle as the brethren of the Miniftrie conveinit in this Generall Affembly, hes with folemne humiliatioun acknowledgit thair fins this day, and negligence of thair conſcience befor God, and hes entrit in a new couenant with him, proteſting to walk more warlie in thair wayes, and to be more diligent in thair charges ; and ſeeing ane great part of the Miniftrie is not prefent at this actioun : Therfor the Kirk commands the brethren of the Synodall Affemblyes to make the lyke folemne humiliatioun and proteſtatioun as was obſervit be the Generall, at thair nixt conveining ; and ſo many as beis not at thair Synodall, to doe it at the Prefbitries.

Articles proponit be the Commissioners of the constant Platt to be  
advyſit and paſt in Acts be the Generall Affemblie.

First, It is thought requisite be the faids Commissioners, and craveit, that the faid Affemblie wald ordaine, that the Moderatours of ilk Prefbitrie within this countrey, fould give presentations, jure devoluto, of all benefices of cure, belanging to laick patrones within their bounds, that hes not presentit qualified persons within sex monethis of the deceis of the laſt poffef-four therof; and ficklyke, of benefices that fall vaik heirafter, in cace the faids patrones negle&t to present within fixe monethis, to Ministers serving, or that fall ſerve the cure of the faids kirks, vnder the paine of deprivation; and that the faids Ministers accept thair presentations, and perfew [them:] And if ther be not actuall Ministers presentlie at the faids kirks, in that cace, that the faid Moderatours deale effectuall with vthers qualified perſons, to accept the faids presentations, and to prosecute the famein be law.

That all benefitit perſons, that are heir prefent in this Affemblie, be movit presentlie to interdyte themſelves from all ſetting and diſponing any part of thair benefice to quhatfomevir perſon or perſons, without the ſpeciall conſent and allowance of the Generall Affemblie; and the interdic-  
tioun to be ſubſeryvit be fick as are prefent; and vthers that are abſent, to be vrged be thair Prefbitries to doe the fame, immediatlie after the diſſolv-  
ing of the Affemblie.

Because the kirks in diſtreſe places of the countrey ſustaines great hurt through the laik of qualified perſons in the Miniftrie, inſtructit and trainit vp in the Schooles of Theologie: Therfor it is craveit, that ane a&t be made in this Affemblie, ordaining every Provinciall Affemblie to furniſch a ſufficient intertaingement for a burſer in the New Colledge of Sanct Andreoſes, this 96 geir, and fo furth, geirlie, in all tyme comeing; and that every Provinciall Affemblie fall have the priveledge to prefent the ſaid burſer fo oft as the benefice or place fall vaik: And in cace ther be any of the Ministers ſonneſ within the Province, of meit graces for the ſaid place, that he be preferrit to all vthers to the Miniftrie; and after the ex-  
pyring of his course in the ſtudie of Theologie, that he be bound to imploſ his travells within the Province, to the quhilk his graces may be anſuerable; and that it be not leifum to the ſaid burſer to imploſ his travells in any vther place, except be the ſpeciall advyce and conſent of the ſaid Province.

Seeing the necellitie of the commoun affaires of the Kirk craves, that ther be a continual travelling and attendance at Court, both for the furtherance of the prefent worke, quhilk is in hands, of the planting of the kirks ; as also of the continuall diligence of the enemie, waiting at all occasiouns, speciallie when they find any flacknes vpon the part of the Kirk, in the discoverie and refifting of the interpryfes of the faid enemie : Therfor it is craveit, that a care and burdein of the commoun caufe be laid vpon fome brethren be the Generall Assembly, either of them that are residents heir about Court, or els of fome vthers to be appointit in diverse parts of the countrey, because vtherwayes ther is none that finds themselves in conscience bound to have any care heirof, or to take any paines heirin.

To the first two articles the Assembly aggreet.

To the thrid, The Assembly ordainit it to be movit in the Provinces first.

To the fourt, Appoints Mrs Robert Bruce, David Lindefay, James Balfour, and James Nicolson with them, quhen he is present.

Sessio 13<sup>a</sup>. Ultimo die Martij.

Anent the articles concerning thair Majesties persons and houfes : The Assembly hes noninat Mrs Patrick Galloway, James Nicolson, and James Melvill, to conferre with thair Majesties theranent.

#### Offences in his Majesties House.

First, As strangers and vther good subiects repairing to the Court, hes been confortit to fie Christian religioun religiouflike exercifeit ; so now they are fomequhat troublit, feeing now the exercise of the reiding of the Word at table, and reverent saying of the grace befor and after meat, diverse tymes omittit.

That on the weik day the repairing to the heiring of the Word is mair rare then befor ; and that he wald be admonischt for hearing of speaches, in tyme of sermoun, of them that defyre to commoun with his Majestie.

Privie meditationoun with God in spirit and conscience, earnestly to be recommendit to him.

His Majestie is blottit for banning and swearing, quhilk is over com-  
moun in courteours also, and movit be thair example.

His Majestie wald labour to have sick companie about him as himselfe,  
according to his awin quhilk is gravelie to be recom-  
mendit to his Majestie to be put in practise. Robert Laud, and such as  
are suspechtit, to be removit; especiallie murtherers, [Papists,] and profane  
perfsons.

The Queens Majesties ministrie to be reformat; and tuiching her com-  
panie, her not repairing to the word and sacraments, night walking, ball-  
ing, &c.; and such lyke concerning her gentlewemen.

In respect of the report of the brethren of the North, that gentlemen  
and burgeses are lyke to leave thair houfes for feare of the enemies, seeing  
thair great insolence vntreppressed at home; the returning of thair wyves  
to the countrey againe, and thair provissons in thair houfes and castells for  
thair home comeing, quhilk is murmurit against in all the countrie: For  
remeid, it is to be craveit that the Ladies of Huntlie and Erroll prefentlie  
be broght back againe and placeit in Sanct Androes; my Lord Gordoun  
sicklyke to be broght to the South, and putt to the schooles; thair freinds  
in the South to be wardit; and Cluny, Geicht, Abergeldie, Cowbairdie,  
Bonytoun gounder, Craig gonder, Alexander Hay of Auchmather, Mr  
Alexander Leslie of Peill, James Knowis, Johne Gordoun of Newton,  
[Towie Barclay, Patrick Conn,] to be apprehendit. And for this [effect]  
it was thought good that some Commissioner, the Proveft of Edinburgh,  
with the Laird of Wedderburne, be direc<sup>t</sup>it to the North, with the Kirks  
Commissioners already appointit.

#### The commoun corruptiouns of all Estates within this realme.

Ane vniversall caldnes and decay of zeale in all Estates, joynit with  
ignorance and contempt of the Word, Ministrie and Sacraments; and  
quher knowledge is, no fense nor feiling, quhilk vtters itselv most mani-  
festlie be this, that they want religious exercisef in thair families, as of  
prayer and of reiding of the Word; and quher the famein, for the most  
part abufed and profanit be cuiks, stewarts, jackmen, and sicklyke; and  
the masters of families alhamit to vse thir exercisef of godlines in thair awin

persons ; and no conference at thair tables, but of profane, wanton and worldie matters.

Superftitioun and idolatrie mantainit, quhilk vtters itfelfe in keiping of festuall dayis, and boonefyres, pilgrimages, finging of carrells at Yoole.

Great blasphemie of the name of God in all Estates, with horrible banning and swearing in all thair speiches.

Profanatioun of the Sabbath, and speciaillie in feid tyme and harvest, and commounjourneying on the Sabbath, and tryfing on wardlie turnes, exercifeing of all kynd of wanton gamis, keiping of mercatts, dancing, drinking, and fuch like.

Little care, reverence, and obedience of inferiours to thair superiours ; as sicklyk of superiours in discharging thair duties to thair inferiours ; as quher children pleyis in law aganis parents, and many of them maries aganis thair fathers [will and] consent ; and no care of thair parents for thair educatioun in virtue and godlines.

Ane flood of bloodsheds and deadlie feids ryseing therpon, and vniversal affliting of bloodsheds for eluding of lawis.

Adulteries, fornicatiouns,incefts, vnlawfull mariages, and divorcements allowit be publick lawis and Judges ; and children begottin in such marriages declairit to be lawfull ; [exceslive] drinking, waghting, and gluttony ; quhilk is no doubt the caufe of this [great dearth and] famine ; [and] gorgeons and vaine apparrell, filthie and baudrie speiches.

Sacrilege in all estlates without any conscience, growing continuallie mair and mair, to the vtter vndoing of the Kirk, and slaying of the planting of the gospell.

Cruell oppreslioun of the poore tennents, quherby the baill commouns in the countrey are vtterly wrackit, be extreame dear setting of thair rowmes, and halding out of thair cornes by vntymeous teinding, and extreame thraldome in servies.

Oppreslioun vnder pretext of law, be vflurie, and be contractis against law ; forestalling of mercats, and regrateing be gentlemen, burgesses, and comouns ; quherby pryses of victuals is mervailoufie raised to the great burt of the poore ; and sicklyke be girnelling of victualls, and withhalding them from the mercatts, and not threshing of them out in due tyme.

Ane great number of idle persons without lawfull calling, as pypers, fiddlers, fangsters, forners, pleafants, strang beggers, living in harlotrie, and having thair children vnbaptizit, without all kynd of repairing to the word.

Offences in the Court and Judgement Seat.

Vniversal neglect of justice both in civill and criminall causes, as, name-  
lie, in granting of remissions and respitts for blood, adulteries and incests ;  
no executioun of good lawis made against vyces, or in favour of the Kirk ;  
and in civill matters, the Judges, for the most part, vnmeitt, either in re-  
spect of the want of knowledge, or conscience, or baith ; and quhen any  
office vaikes, the worst men advancit thereto, both in high and inferiour  
rownes.

No executioun made against the adherents of the detected enemies, and  
the enemies themselves, nor imploying of thair livings to the [vse of] re-  
fisting of the enemies, quherby the enemies are rather benefitit nor hurtit.

The odious murther of Dunnibirsle not punischit.

In Parliaments, sacrilegious persons, as Abbots, Pryours, dumb Bischops,  
voteing in name of the Kirk, contrair to the lawis of the countrey, quherby  
the canfe of the Kirk is damnedif.

The Sesoun is chargeit with buying of pleyis, delaying of justice, and  
bryberie, quhilk is evident by extraordinar and fudden conqueists.

Greives to be humblie meanit to his Majestie, in name of the Generall  
Affemblie, be thair Commissioners, touching the principall offences  
in the estate of the countrey, that, be his Majesties counsell and au-  
thoritie, sufficient remedie in tyme may be provydit thervnto.

First, It is humblie meanit to his Majestie, that, to the great hazard of  
religioun, and peace of the countrey, and greife of all good men, the for-  
faltit rebels, and enemies of his Majesties estaite, injoyes thair lands and  
livings als peaccable, and to thair greater advantage, then if they were at  
his Majesties peace within the countrey ; and thair confederats and freinds,  
partakers and allisters with them in thair treasonable attempts, are sufferit  
in fo great a libertie, nevir having once so mikle as entrit thair persons in  
ward, or givin pledges and suretie for thair good and duetiefull behaviour  
and obedience to his Majestie, in case it fall happen the faid rebels, or  
any forraine enemies, to repaire within the countrey for disquyeting of  
the estate therof ; as if they [had] immunitie and exemptioun from all  
lawis, to confirme themselves for strenthening the hand of the enemies,

quhen they happen to arrive ; as it appeirs thair intentioun is, by [thair] preparatioun of force and armour, and leagues of friendship quhilk they are daylie binding vp.

Diverse Jesuites and excommunicat Papists are intertwainit within the countrey, deteining fuch as they have pervertit in thair errours, and induceing vthers in the famein corruptionioun ; and halding them in hope of [the] returning of the Papists Lords, with affistance of strangers ; as, namelie, Mr Robert Abercrombie, Mr Alexander M<sup>c</sup>quhirrie, Abbot of Newabbay, Johne Gordoun of Newtoun, the gong Laird of Bonytoun, Mr Alexander Leflie of Peil, Patrick Con, Alexander Ramfay, and diverse vthers.

That in many places of the countrey, for lake of provisioun of sufficient stipends for provisioun of Pastours, the peiple lyis altogether ignorant of thair salvatioun, and duetie to God and the King, quberthrow the land is overflowit with atheifme and all kynd of vyce ; ther being above four hundredth paroch kirks destitute of the ministrie of the word, by and attour the kirks of Argyle and the Yles.

It is regratit vniversallie be his Majesties lieges, that throw the delaying, perverting, and eluding of justice, murthers, oppressions, incest, adulteries, and all [kynd of] haynous crymes abounds.

It is to be heavilie meant, that the brethren of the Ministrie, that hes gottin any meane provisioun or help be the assignatioun [made] lxxxv<sup>y</sup> zeirs, are delayit and refusit of justice, be the Lords of Sellioun refusand to decide thair suspensiouns according to the a<sup>c</sup>t of Februar 1587.

#### Articles to be proponit to his Majestie for remeid of the former greives.

For remeid of the former greives, it is humblie to be craveit of his Majestie, that the lands of the forefaultit rebels be disponit to sick as are knownin to be most meitt, and of best affectioun, to refist the enemies of religioun, and of his Majesties Estate, both forraine and intesine : And in the meane tyme that thair livings be takin vp, and intromettit with be his Majesties officers, and employit vpon the entertainment of wagit men, and vther necessar vxes, for the manteinance and advancement of the good cause ; and that the Ladies of Huntlie and Erroll be chargeit to come fouth, and make thair residence in Sanct Androes, that they be no more a receipt

and encouragement to the enemies, as they are prefentlie, be thair fubtile forme of practise, quhilk they have vfit this geir by past, to the confirming of thair freinds and confederats, and intyfing of vthers quhom they might seduce to thair purpose, and open violencee to such as refuses to yeild to thair course ; and that the Ladie Huntlies eldest sonne be brocht south, to be trainit vp in the knowledge of good letters and religiouin ; and that the Lairds of Clunie, Gicht, Abergeldie, Cowbairdie, Craig zonger, Alexander Hay of Auchmatie, Buckie, James Knowis, Towie Barklay, Patrick Con, and the reſt of thair principall freinds and confederats, that hes kythit with them in actioun, in thair treasonable interpryses against his Majeftie, be chargeit to come south, and entir thair persons in fome ſufficient ward, ther to remaine ay and quhill they find ſufficient catioun vnder the paine of great ſowmes, that they fall neither traffique, intercommoun, ſupplie, nor intertwaine intelligence, or give any kynd of affiſtance to any of his Majefties rebels, or [any vther] enemies of religiouin [quhatfumevir,] and give ſufficient pledgis of thair fonnes and neireſt freinds to that effect.

That his Majeftie give commillioun to ſome of his ſpeciall ſervants, and vthers that are knawin to be of [abilitie and] good affeſtioun, to feik, ſearch, apprehend, and preſent before his Majeftie, Mr Robert Abercrombie, Mr Alexander M'quherrie, the Abbot of New Abbay, Alexander Ramſay, the zong Laird of Bonytoun, Alexander Leslie of Peile, John Gordoun of Newtoun, and vthers, Jeſuites, and excommunicat Papifts, as their names falbe givin in a roll.

That his Majeftie wald prosecute his good purpoſe and intentioun declarit befor the Affemblie, anent the planting of the haill kirks within the countray, with qualified Paſtours, and ſufficient proviſioun of ſlipend for thair entertainment ; and for that effect, that he wald give commillioun to the viſitours nominat be the Generall Affemblie, to take inquiſitioun of the eſtate of all the kirks within the bounds of thair viſitatioun, and to deal with the tackifmen and poſſeffours of the teyndis, in his Majefties name, for ſufficient proviſioun to the Miſtiers, out of the rent of every paroch, and to report the famein to his Majefties Commissioners appointit for the wark of the Platt, in the aſt of Parliament, and provyde ſome honeſt moyen for the entertainment of thair charges in the journey.

That his Majeftie take ordour ſubſtantially be advyee of his Counſell and Eſtate, how the principall Judgement feats and vther inferior Judgements may be purgeit of vnqualified and corrupt persons, and filled with vthers

meit to discharge that calling faithfullie, for the comfort of his Majesties peaceable and well disposed subiects.

That his Majestie wald command [and ordain] the Lords of Sessioun to minister justice to the brethren of the Ministrie, that hes gottin any augmentation of thair meane stipends or new provisioun by the Commissioners appointit be his Majesties Commission the 1595 [zeirs,] and that according to the act of Februar 1587, as they are bound by thair solemn aith and promise ; seeing the extraordinarie dearth vrges them with so great necessite, that vnlesse his Majestie have some consideratioun of thair estate, they and thair families will be driven to extreame povertie and want.

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[The new and constant Platt of planting all the Kirks of Scotland,  
penned to be prefented to the King and Estates, anno 1596.

Our Soverane Lord, with consent of the three Estates in Parliament, understanding that be the law of God it is exprefly commanded, as alſo for entertainment of religion and Gods service, it is more nor neceſſar, that the Ministers of his holy word have ſufficient rents for their honest ſuſtentatioun ; conſidering alſo that the rents and patrimony, which of old pertained to the Kirk, is greatly damnified and exhausted be annexation of the whole temporalitie thereof to his Hienes Crown, and be erection of a great part of the ſaid temporal lands of the Kirk, with diuerſe kirks, and tithes included therewith, in new temporal Lordships ; and be the new faſhoun of ſetting of long tacks of the ſaid tithes for diuers nineteen years and life rents ſucceſſivē, for payment of ſmall ſilver duety, no wayes equivalent to the half of the reasonable valour of the ſaid tithes ; and be the pretended rights of many penſions, life rents, aliſignations, and other diſpoſitions of the faids tithes, and duetie of tacks ; and be his Majesties right of the thirds, ſuperplus, common kirks, firſt fruictis, and fyft pennie of every benefice, rights and diſpoſition of the fame, proceeding from his Hienes after his perfect age, and from his Graces predeceſſors, for the moſt part ratifiad in Parliament, whereby there is no moyen left preſently to augment the ſmall ſtipend of a poor Minifler, albeit he had never ſo great ne-

ceffity, nor yet to plant anie new Minister at anie congregation, albeit the most part of the parish kirks of Scotland are altogether destituted of all exercise of religion ; and that there is a great number of Ministers not provided, but wanting upon some special charge and vocation ; lyke as a great number of good schollars of the youth of this realme, for the like poverty, is compelled to pase to France, to the great danger of apostacy from religion, whereas otherways they might be profitable to the Kirk, and might be honestly intartained upon the said tithes ; which tithes, not only before the written law of God, and thereafter be express commandement of the same, but also be the consent of all nations, and specialy of this realme, have ever pertained to the Kirk, whereby of all reaon the Kirk having no other patrimony, ought to be maintained in the right and possession of the said tithes, at leſt ay and while they be ſufficiently provided otherwayes ; conform to the which divers acts have been made in Parliament, That before the new provision of anie Prelat, the Ministers at the kirks and parishes united to the ſaid Prelacie, ſhould be firſt provided to ſufficient ſtipends, otherwayes the provision of the Prelacy to be null : And likeways in the tenth act of Parliament holden 1567, it is ordained, that the whole thirds be firſt employed to the uſe of the Ministers, ay and whill the Kirk come in poſſeſſion of their own patrimony, which is the tithes : and alſo in the ſaid act of annexation, and divers other laudable acts, it is exprefly provided, that the Ministers ſhould be ſufficiently provided of livings furth of the beſt and readieſt of the ſpiritualities ; and that they ſhould be provided in title to all ſmall benefices, that they ſhould be provided to manſes and gleebs for their reſidence at their kirks ; and that laick patrons ſhould provide qualified perſons : which acts have not tane fully effect, but on the contrair the livings of the ſaid Ministers left uncertainly to be fought from year to year, at his Hienes Exchequer, out of the thirds with infinit proceſſ in law, be reaon of the manifold diſpoſition of the thirds to other laick perſons, proceeding from his Hienes as having right to the whole thirds, commonoun kirks, ſuperplus, fyſt pennie, and temporalitie of ilk benefice, and be reaon of the collation of benefices pleno jure to perſons no wayes qualified, contrair to the good meaning and intention of the forefaid acts of Parliament, to the utter wrack and deſtruction of the Kirk be plain povertie, as the profeſſed enemies of Chriſt would have done of old, if ſpeedie remedy be not found : Therefore his Hienes remembraſing that there is nothing more proper to his royal office, nor to

be nurisher of the true Kirk, and to be carefull of the advancement of the true religion, and continuing thereof to the posterity, with consent of the Estates in Parliament, be the tenor of this act declares, that the whole tithes of this realme, both Personages and Vicarages, as well united to Prelacies and other dignities, as not united, and other tithes whatfomever, have pertained in all times bygane, and shall pertain in all times, to the Kirk as their proper patrimony : and of new, with consent forefaid, giveth, granteth, and disponeth, and perpetually mortifieth the faid tithes of all Personages, and Vicarages, and other benefices whatfomever, within the realme, to the Kirk to remain therewith, as their own proper patrimony, conform to the tenor of this present act, in all time coming : And, with advice forefaid, statuteth and ordaineth, that the Lords of Exchecker, with fuch of the Ministry as shall be appointed hereunto, being of equal number with the said Lords, shall modifie and affigne out of certain touns of every parish, a certain quantity of viȝual of the teind shaves thereof, and other dueties of the Vicarage, as the nature of the ground may pay, with the manfe, and whole gleeb land, if the same remain yet unfewed ; and if the faid glebe be fewed, four aiker of the faid gleeb, whither the same be of the Parfons, Vicars, Bishops, Pryors, or Prioreffes, Deans, and Subdeans, Abbeys, or any other Kirk Land, for the gleeb, as a local llipend to every parish kirk of this realme, without exception, for sustentation of the Minister thereat suffieiently and honestly in all respects, of the fruiets of the parish itself, notwithstanding the faid kirks be annexed to Prelacies, or other benefices, or not doted to Colledges, or Universitieis, or otherwayes pertaining to old possellors of whatfomever degree, or to Ministers newly provided in title therto at the Kings presentation, or laick patrons, divided amongst many Prebendaries, Deanries, or Chaplanries, or not divided commoun kirks, or other whatfomever qualitie, or condition the faid parish kirk has been of, or be whatfomever manner of way the tithes thereof have been bruiked in times by past, and notwithstanding all and whatfomever right his Majestie may have, or pretend to the thirds, superplus, first fruits, and fift penny, of the faid benefices ; and notwithstanding of all penfions, tacks, affignations, life rents, erection of the faid tithes, or any part thereof in a temporal Lordship, provision to Prelacies, or other benefices, unions, or divisions of the faid parishes, and other dispositions of the faid tithes, or any part thereof whatfomever, proceeding from his Majestie, or his predeceffors, after his or their perfect age, confirmed in Parliament

with whatsomever solemnity or otherwayes, to whatsomever Castles, Colledges, Universities, or particular persons of whatsomever degree : And notwithstanding of whatsomever other tacks, pensions, life rents, fewing of the said tythes, with lands, and fewing of the said gleebs, and other dispositions whatsomever, made be Prelats, or beneficed persons, with consent of their Chapters, to whatsomever particular perfon, Colledge, or Univerlity, for whatsomever space of years, or yearly duty : And notwithstanding of the priveledge of the Lords of Sessiou, and acts of Parliament, and other laws bygane, unions, annexations, and incorporations of feveral parish kirks to a Prelacy or other benefice, or division of the fruicts of a parish amang many Prebendaries, or Chaplanries, or others ; and notwithstanding all other impediments which any way may stay the full execution of this present act : Declaring all and whatsomever the said provision of benefices, unions, incorporations, divisions, tacks, pensions, life rents, erections, and fewing of tithes, manfes, gleebs, priveledges, acts, lawes, and former constitutions, and other dispositions whatsomever of the said tithes, manfes and gleebs, proceeding from his Majestie, or his Majesties predeceffors, or whatsomever other beneficed person, with whatsomever solemnity, to be null in time coming, in so far as they may make any prejudice to this present act, and to the particular local assigntion of stipends to be assignd to every parish kirk, conform thereto, and to the full execution thereof, but any other reduction or declarature of law : With power to the saids Lords and Ministers to take true tryal of the valour of the said tithes ; and to appoint, ordain, and assigne the saids perpetual local stipend at every parish, out of such special touns and lands of the said parishes ; and to unite feveral parishes in one, to disfever one in moe, with consent of the parochiners ; and to make a special book thereupon ; and generaly to doe all things necessar for this effect : Which local assigntions of stipends and tithes whatsomever of the particular towns and lands to be specified therein, shall pertain as freely to the Minister of the said parish, as if he had been provided of old in title thereto : with power to the said Minister to collect, gather, and intromett with, and to make warnings and inhibitions againt the poffefors of the said tithes, manfes and gleebs, with as great effect as any Parfon, or Vicar, or any other beneficed perfon might have done in any time by-past, notwithstanding all impediments forefaids, and other whatsomever, but prejudice of the saids Ministers rights to the whole remanent of the said benefices, when the same shall vaise, and fall in their hands, be de-

ceafe of the preſent poſſeffors, reducing or expyryng of tacks, or other ways whatſomever, and of the free diſpoſition thereupon, as accords of the law, and conforme to this preſent aꝝt in all points. And for the better execution of the premisses, our Soverane Lord, with advyce foreſaiſd, diſſolves expreſſly all and whatſomever unions of ſeveral parish kirks to Prelacies, benefices of dignity and others, and ſuppreſfeth and abrogateth the name and ſtyles of the faid Prelacies and dignities, and unites of new the tithes of every parish, where the ſame were diuided of old amonſt many Prebendars, Chaplans, and others, in a whole benefice; and ordaines that Minifters be provided in title to every parish kirk in particular, which was before united to Prelacies now vacant, or which have vaikd in his Graces hand, ſince the Parliament holdin at Edinburgh in anno 1584, or which fall in any wife hereafter vaick be demiſſion, deprivation, or other ways whatſomever; and to all other ſeveral parifhes vacant, both to the Perfonage and Vicarage thereof, with the manſe, and gleeb of four aikers of land, conforme to the former aꝝts made anent the faid gleebs and manfes; at the which kirks the faid Minifters ſhall be obliſhed to make their reſidence, and ſhall have intromiſſion with the fruits thereof, conforme to this preſent aꝝt, and book of perpetual modifification of the local flipends to follow hereupon: and after their deceafe, demiſſion, or deprivation, the other qualified perſons to be preſented thereto be his Hienes and his Graces ſucceſſors, and be others having the right of preſentation and patronage thereof; and that no new Prebendars ſhall be provided after the deceaſe of the preſent poſſeffors, but the rent to accreſce to the living of the Miſter, conforme to this aꝝt, &c.

And becaus it is most necessar that the saids local flipends be of a certain quantity, according to the nature of the ground, and out of certain special lands most ewest to the kirk, and commodious to the Minister, that the Minister may know of whom to crave his duetie: And seing it is impossible to the Lords of Excheker to know what lands to appoint for payment hereof, be reason they know not, neither the names of the lands, nor valour of the teind shaves of every particular toun and land within this realme: Therefore his Hienes, with advyce forfaids, ordaines, that every Presbytrie within this realme, with advice of three Barons, or landed Gentlemen, who have their residence within the said Presbytrie, of good religion, and leist participant of Kirk rents, chofin be advice of the General Assembly, and failling the concurrence of the saids Barrons, that

the faid Presbyters be themselves shall have power to estimate reasonably the valour of tithes, both Personage and Vicarage, of every particular town, and lands laying within each one of the faids touns, and parishes of their Presbytries, and of the commodiousnes thereof to the fustentation of their Minister: which estimation shall be published upon two several Sundayes, in time of divine service, in the faid parish kirks; with provision, that whatsomever party intereffed in any wise be the said estimation, and please to complain thereupon, shall have most fummar remeед before the faids Lords of Exchecker, after fummar cognition of the caus betwixt the faid Presbytrie, and particular Minister of the parish kirk, and general Procurator of the Kirk, or others having interest on the one part, and, the faid partie compleaner on the other part.

Attour because the dilapidation of the rents of the Kirk has proceeded for the most part from the Kirkmen themselves, who had ower great liberty to sett such long tacks, and fewes, and for such dueties as they pleased; the solemnity of ordinar Chapters serving not to restrain the faid dilapidation, for which they were first instituted, but rather to authorize the same; which Chapters for the most part be now worn out: Therefore, our Soverane Lord, with advice foresaid, flatutes and ordaines, that no Minister or beneficed person shall have power to sett in tack, or to make any kind of disposition, alteration, or change in any wayes, the estate of the local stipends of the parishes, with whatsomever consent or solemnity; neither to sett new tacks, or to renew old tacks of whatsomever other tithes of his parish, or any part thereof, or make whatsomever disposition of the same in tyme coming, without consent of the whole or the most part of the Presbytrie, wherein the parish lyeth, [assemblit] at the ordinary day of conveening, after reasoning two former ordinar dayes, anent the equity of fetting, renewing, or making of the faid tacks and dispositions: And declares, that the converting of victuals or other dueties [in siluer,] shall be exprefs diminution of the rentall, and a cause of nullity and reduction: And for eschewing of antedeating of tacks and rights of tithes [whatsomeuer], and of the infinit time for which the same was sett in tyme bypast, his Hienes, with advice foresaid, ordains, that all and whatsomever tacks of whatsomever tithes sett in any time preceding the date hereof, for whatsomever longer time of many nynteen years tacks, or lyfe rents succellivé, shall endure only for the space of nineteen years after the date of the faid tack; with provision, that whatsomever nynteen year

tack, or life rent of tithes, which has not begun in the fettters tyme, shall be null and of none availl, albeit another nineteen year tack or life rent contained in the same tack, has begunne or run out in the said fettters time: and that all former tacks of tythes preceeding the date hereof, life rents, assigntions, pensions, erections, fewes, and other dispositions of tithes, shall be produced before the Lords of Exchecker before the day of      next to come, and registred in the books of the Collectorie: at the lefft fo much of the faid erections and fewes to be registered, as containeth the rights of tithes contained therein; and the date of the registration thereof, and the person ingiver of the faids tacks and other rights, to be registred therewith in like manner, and marked and subscribed be the Collectors Clerk, vpon the bak of the faid tacks and rights, for effewing of all frands which may be herein; with certification, that the tacks, and other rights of whatsomever tithes, not registred, as said is, shall be null, and make no faith in judgment nor without: and that the imprinting or publication of this act, shall be sufficient intimation hereof, and of the certification forefaid, without any other special letters, &c.

Moreover, becaus the Ministers and other beneficed or laick perfons, having the rights of tithes of other mens heritage, oft times unjustly trouble both themselves and the lawfull poffeffors of the faids tithes, with inhibitions, and actions of spoilzie, whereby they compell them to hight their tithes above the reaſonable valour: Therefore our Soverane Lord, with advice forefaid, declares and ordaines, that whatsomever perfon is lawfully in the natural poffeffion of tithes be leading and intrometting therewith, the heritage or preſent right of poffeffion of the land being his own, and makes good and thankfull payment, within      dayes after ilk terme, of the duetie of the faid tithes, conforme to the estimation above written, to be made be the Presbytries forfaids to the Ministers and others having right to the faid tithes; in that caſe, the faid perfon shall be free of all action of spoilzie and danger which may follow upon inhibition led against him thereant: provyding alwayes, that whatſomever perfon committ any violence in ejecting another furth of the natural poffeffion of leading of tithes, ſhall be ſubjeſt either to the action of ſpulzie, or the quadruple of the estimation forefaid, at the option of the partie ejected, as said is. Like as alſo it is provyded, that quher the right both of the property, and preſent right of the actual poffeffion of the land, and als of the tithes, concurre in one mans perfon, it ſhall be leafome to him to uſe inhibitions, and, conforme to the old order, apprehend poffef-

tion of his own tithes, paying always the duetie and valuation thereof to the Minister, or others having right; in which case, the offer of the estimation foreaid shall be no relevant defence to rescind the natural possession of the tithes of another persons heritage; and to eschew the danger of spulzie in prejudice of him who has the right both of the lands and tithes, as said is, and in favour of him, who has not present right to the actual possession of another mans land, nor yet of the tithes thereof. &c.

Attour, be reason that the said patrimony of the Kirk shold also sustaine and uphold schools and poor, with common affaires of the Kirk, and other godly uses: Therefore our Soveraign Lord, with advice foreaid, statutes and ordains, that a perfect rentall be made of the superplus of the rents of every parish kirk, by and attour the foreaid local stipends, containing the rights, be the which the superplus of every benefice is possessed; and that the Minister, albeit he be provided in title to the whole benefice, and have the collection of the whole fruictes thereof, and liberty to reduce tacks and fewes, as any other beneficed person might have done of before; yet the said Ministers shall not have the free disposition of the said superplus to their own use, but shall be comptable therefor to them who shall obtain the right thereof: and in case of their failzie in thankfull payment, or committ violence, they shall be subiect to the danger of spulzies double or quadruple of the estimation foreaid, sic like as others that make not payment thankfully to the said Ministers themselves, conforme to the former article.

And as for the superplus of the rent of every particular parish kirk, by and attour the local and perpetual stipend appointed for the Minister, which superplus either presently pertaineth to the Kirk be waiking of the benefice or vtherwayes, or shall hereafter pertain, or fall in the Kirks hands, be expyryng or reduction of tacks and other rights, decease of the prefent possessors, or otherways whatsomever, our Soverane Lord, with advice foreaid, ordaines and statutes, that the said superplus shall be disposed be the advice of the Lords of Exchecker, and brethren of the Ministry appointed for modification of Ministers stipends; first, to the Colledges, and Lords of Seslions, and old possessors of the benefices, induring their life times, for so much as shall be tane from them be the prefent order; next, that the common affaires of the Kirk be sufficiently sustained thereupon; thirdly, that reasonable consideration be had of the poor, strangers, widowes, and orphans; reparation of bridges, kirks, hos-

pitals, and other godly works: And if there be any rest, the same shall be collected, and keepe to the use of the Kirk, and at their disposition allenerly. And whatlomever particular person, Colledge, or other shall obtain assigntion of any part of the superplus be the faids Lords and modifiers, their said assigntion and letters thereupon shall be specialy in quantity, and out of what touns and lands the same is assignd; and the said letters shall be specialy directed against the tennents and actual posseffors of the said particular lands, and the Minister of the parish allanerly, so that no letters in time coming be directed generaly against all and fundrie the parochiners, &c.; and of the best and readiest of the fruictis where the right whereupon the letters pafs extends only to a part of the fruits, and not to the whole fruictis of the paroich, as was of before, which was the occasion of great confusyon.

And becaus the Prelacies in effect were before dissolved, the whole temporalities thereof being annexed to the Crown, and Ministers stipends ordained to be tane out of the parish kirks united and incorporated therewith; lyke as be this order the whole spiritualitie and tithes are of new deflinated, given and mortified to the Kirk, whereby the faids Prelacies are all utterly dissolved, and so ceas in time coming to be one of our Estates in Parliament: Therefore our Soverane Lord, with advyce forefaid, statutes and ordains, that in time coming every Presbytrie shall send, of their own number, a Commissioner to the Parliament, out of the which whole number of Commissioniers the rest of the Estates shall choise so many as, being joyned with the old posseffors of the Prelacies, who shall be present for the time, may make out the full and compleat number of them who have vote in Parliament for the estate of the Kirk, which number shall be equal with the number of any of the other Estates. And after the decease of the whole preſent posseffors of Prelacies, the whole number of the Kirks Estate shall be elec̄ted, and tane of the faid Commissioners of the Presbytries, who shall have such vote, priveledges and liberties in Parliament, as the faid Prelats had of before, &c.

And to the effect that the rights of no parties be further prejudged, our Soverane Lord, with advice forefaid, ratifieth all acts and statutes made of before in favour of the Kirk, in fo far as the same agrees, or may in any wise fortify this preſent act; and specially the act of Secret Counſell, Selſion, and Exchecker, upon the 14 of Februar 1587: And in like manner, all acts and statutes made in favour of fewes, tacks, patronages, pensions,

erections and other dispositions of the kirk rents, in so far as they are not contrair or any ways repugnant to this present act, or full execution thereof: Which acts, together with all and whatfomever rights pertaining to privat persons and parties, such as fewes, provision of their benefices, erections, tacks, lyfe rents, pensions, patronages, assignations, and dispositions whatfomever of the tithes, shall stand in the same force as of before the making of these prefents, excepting plainly in so far as they are expressly prejudged be the said local stipend to be appointed to every particular parish, conform to the tenor of this present Act, and Book of particular modification to follow thereupon, and other provissons and restrictions expressly contained herein. Lyke as our Soverane Lord, with advice forefaid, abrogateth all former lawes, acts, constitutions, practicks, and ordinances whatfomever, which may in any wise hinder, stop, or impede this present act and full force and execution thereof: and declares whatfomever shall be done in the contrair thereof, or any part of it, the failyie and contravention shall be tryed; and the right disposition or other deed whatfomever, done contrair to the tenor hereof, shall be reduced and annulled, als well by way of exception, reply, or duply, as by way of action. Lyke as our Sovereign Lord, with advice forefaid, commands, that no Judge remitt to an action, or delay the proponer of the said nullities by way of exception, reply, or duply, but proceed instantly to the tryall of the said nullities, as faid is.

Attour, becaus there are divers and fundry persons who presently bruike the rents of every parish kirk, our Soverane Lord, with advice forefaid, ordaines, that the quantity of the local and perpetual stipends shoule be equally tane from every one of the saids persons proportionally, at the least every one to relieve others proportionally, according to the free profit which they receive of the saids tithes, at the discretion and summar cognition of the said Modifiers, who shall be only Judges herein, and shall try, judge, and cognosce summarly upon the equity of the relief betwixt the possessors of the saids tithes, such as where there is a Prelat, or old provided man, ane, or moe tacksmen or pensioners, new erected Lordships, with tithes included, with the fewes of lands, fewes of fermes, and whatfomever other variety there is of rights, be the which the possessor of the tythes of every parish respectivē bruiketh the same: and what relief the rest ought to make them, from whom immediatly the rights of the tithes are tane, which shall be assignd for the perpetual local

stipend of every parish kirk ; wherein also shall be considered the right which our Soverane Lord had to the thrids or any other parts of the benefices, togither with fuch other actions, for the which his Majestie might have charged the poſſeffors of the faid tithes. Like as also the faids Lords of Exchecker, in making of the faid relief, ſhall conider immunitiies, priveledges, and rights, which parties had of before, and validitie thereof, with all other circumftances ex æquo et bono. And for this effect, our Sovereign Lord, with advice forefaid, giveth power to the faid Lords of Exchecker, and Minifters ſpecially to be appointed, be his Hienes Commiſſion, being always equal in number with the faids Lords, to interpret all obfcurities, and to decide ſummarily all controversies, which ſhall arife upon this preſent a&t, and upon the forefaid relief, betwixt all parties ſubje&t thereto. C. & Melvills Diary.]

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A. D. M.D.XCVI.

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The Generall Assemblie haldin at Perth, the first day of Marche  
1596, [the last of Februar: C.] Quher ther conveinit the Com-  
missioners from all Presbyteries, according to his Majesties missive.

Sessio 1<sup>a</sup>.

Exhortatioun ther was none.

Anent the supplicatioun given in be Mr Thomas Nicolson, Advocat,  
bearing that in respect he was admittit to be Clerk of the Generall Assem-  
blie, in place of vniqualle Mr James Riche, laist Clerk therof, be fevin of  
the Commissioners deput be the last Generall Assemblie, to intreat and  
conclude in the affaires of the Kirk, quihilk fould fall out [and intervene]  
betuixt and the nixt Generall Assembly, that, therfor, the Assemblie now  
conveinit wald admitt the said Thomas to the faid office, and corroborat  
his admissioun with thair authoritie: The brethren conveinit, all in ane  
voyce, hes creatit and admittit the faid Thomas de novo, and electit him to  
be Clerk of the Kirk, with power to him to vse and exerce the same, and  
all priveledges belonging thereto, as frielie as any Clerk might have done at  
any time bygane.

Sessio 2<sup>a</sup>. 2 Martij.

Anent the commissioun direct be his Majestie to Sir John Cockburne of Ormestoun, Knyght, Justice Clerk, and Mr Edward Bruce, Commenda-tour of Kiulos, with all expeditioune, to repaire to the Commissioners of the Presbytries of the Kirk presentlie conveiniet within the Kirk of Perth, and to inquyre of them if they be ane lawful Generall Assembly of the Kirk, and hes sufficient power of themselves to give answier, treat and conclude vpon such things as are to be proponit and intreattit in this present Conventioun, according to his Majesties warrand and mislive direct to them be his Hieues to that effect, and to report thair answier, in wryte, theranent. The brethren present, after long reasoning and conference had anent the premisses, thinks that thair meiting is ane lauffull Generall extraordinar Assembly, be reasoun of his Majesties letter direct to the Presbitries and Provincials to that effect, and the Presbitries and Provincials commissioun given to meitt in the towne of Perth : and therfor are willing to heir quhat his Majestie will propone ; and to treat, conclude, and give answier theranent, conforme to the commissions with the quhilk they are authorizit be the Presbitries and Synodalls.

Sessio 3<sup>a</sup>. 2 Martij.

The Commissioners deput be his Majestie proponit certaine heids and articles to the brethren to be refolvit and concludit in the present Assembly, quherof the tenour followis :

Sen the quyetnes of the Kirk, and frieing of the fame of flander, quhilk vpon the contrair effects wald necessarly follow, is the cheife butt and end, quherat his Majestie shottis in the conveining and halding of this present Assembly : Therfor, for eschewing of faschions and langsome disputatiouns, quhervpon diverse vncomely contraverfies and debaits might arise, his Majestie hes thocht good to remitt the decisioun of a great number of the printed questions to a better opportunitie, to be reasounit in the meane tyme be sick as falbe authorizit be commissioun to that effect ; and for the present fall content himselfe with the decisioun of thir few articles follow-

ing, having made choise of nane bot sick as necessitie of tyme could not permitt to be delayit, without great harme and slander to follow.

1. That it be not thocht vnlawfull neither to the Prince nor any vther of the Pastours any tyme heirafter, to move doubts, reasoun, or crave reformatioun in any points of the externall policie and governement or discipline of the Kirk, that are not essentiallie concerning salvatioun, or is not ansuerit affirmativē vel negativē be any exprefse part of the Scriptures ; provyding that it be done decenter, in ryght tyme and place, [animo] edificandi non tentandi.

2. That sen the civill and politick governement of the country belongs always and allanerlie to the Kings office and his Counsellours, and is no wayes pertinent to the spirituall Ministrie of the Word, that no Minister fall at any tyme heirafter meddle with the matters of the Estate in the pulpit, or with any of his Majesties laws, statutes, or ordinances : Bot if any of the Ministrie fall think any of them hurtfull to the religiou, or contrair to the Word, they fall privately complaine therupon to the King and his Counsell.

3. That it fall not be laufull to the Pastours to name any particular mens names in the pulpitt, or so viuelie to descryve them as may be equivalent with thair naming, except vpon the notoritie of a cryme ; quhilk notoritie man only be defynit be the guiltie persons being fugitive for the tyme, or being fylit by ane affyse, or excommunicat for the same.

4. That every Minister, in his particular applicatioun, fall have only respect to the edification of his awin flock and present auditour, without expatiating vpon vther discourses no wayes pertinent for that congregatioun.

5. That everie particular Prefbitrie falbe commandit to take diligent ac-compt of thair Pastours doctrine, and that he keip hinselife within the bounds of the premisfes.

6. That summar excommunicatioun be allutterlie dischairgeit as inept, and that thrie laufull citatiouns, at leaft of auēt days interuall betuix every ane of them, preceid the sentence.

7. That no Sellioun, Prefbitrie, nor Synodall, vse thair censures vpon any bot them that are resident within the bounds committit to them ; vtherwayes thair decreits and sentences to be null.

8. That all sumounds containe ane speciall caufe and cryme ; and nane super inquirendis to be sumound, quod est mere tyrannicum.

9. That no meiting nor conventioun be among the Pastours without his Majesties knowledge and consent; excepting alwayes thair ordinar Sessiouns, Presbitries, and Synods.

10. That in all the principall townes, Ministers be not chosin without the consent of thair awin flock and of his Majestie; and that ordour to be begun presentlie in the planting of Edenburgh.

11. That all matters concerning the rest of his Majesties questiouns be suspedit [unmedled with,] either in pulpitt or any vther judicators, quhill first all his Hienes questiouns be fullie decydit; and in speciaill, that all matters importing flander come not in before them in the meane tyme, quherin his Majesties authoritie royall is hielie prejudgeit, bot only in causes that are meere ecclesiastick.

12. That fevin or aucht of discreit wyse Ministers be authorizit be commissioun, to reasoun vpon the rest of the questiouns, as opportunitie of tyme fall serve.

13. That they give commissioun to the Ministrie of the North to be at a point with Huntlie; and if he satififie them, to absolve him.

And for the better ansuering of the faids articles, the Assembly ordainit certaine brethren to be chosin out of every fhyre presentlie conveinit, quho shoulde give thair advyce and overtture vpon the faids articles proponit be his Majestie, and therafter report the same to the Assembly: They are to say, Mrs John Monro, Alexander Dowglas, Peter Blackburne, Johne Strathanchin, Alexander Forbes, James Nicolson, Andro Lanib, Alexander Lindsay, William Cowper, Thomas Buchannan, James Melvill, Johne Spotifwood, Adame Colt, Thomas Storie, Andro Clayhills, Johne Knox, James Bryffoun, Patrick Sharp, Gawin Hamiltoun, Alexander Scrymgeour, David Barklay.

#### Sessio 4<sup>a</sup>.

[Answers to the Articles be the brethren appointed on the conference.

The brethren conveened gave their advyce in the first article, That it is not expedient to make a law or act touching this, leaft a door shoule be opened to curious and turbulent spirits; otherwise they think it lawfull to

the King be himself or his Commissioners, to propound in a Generall Assembly whatfomever points he desires to be refolved in, or to be reformed in specie externi ordinis, feeing substantia externæ administrationis ecclesiasticae est plenissime tradita in Sacris Literis : And as the Generall Assembly may accept of that from the King, so may the Generall Assembly doe anent any thing that is done be his Hienes in any Convention, meeting, or Assembly conveened be him hereafter.

2. Their advice to seconde article is, That laws already made, hurtfull to religion, and prejudicall to the liberty of the Word, be declared to be expired, as the same shall be particularly condescended upon ; and no laws be made hereafter touching religioum without advice and consent of the Kirk, who are declared to be the third Estate of the country : and that no act whatfomever be made contrary to the Word, the preaching whereof the Pastours have concredited to them ; which if it shall fall out (as God forbid) they think, that every Pastour, be advice of his Presbytrie, Synodall or General Assembly, shoule first complean and seek remedy of the same ; which remedy not being gotten, they shoule direct the force of the Word againt the same with all liberty. And as concerning matters of Estate, the brethren desires the explaining of this point of the article.

3. No mans name shoule be exprefsed to his rebuke in pulpit, but where the fault is notorious and publick ; yet they esteem Notoriety must be defyned otherwayes than by being fugitive, and fyled by Allife, or excommunicated : for contumacy after citation, publick commission of murther, adultery, or the like, as was Bothwels coming to the Abay, the murder at Dunnybriffel, and many other of that fort, makes notoriety. As to the vive description, equivalent to the naming, it is hard to fet a law therto, feeing a guilty perfon will apply to himself, howbeit the Preacher never thought of him.

4. No Pastor shoule use application, wherein he has not respect to the edification of his own flock, and the prefent auditors.

5. It is the duty of every Presbytrie to take account of every Pastors doctrine, that he keep himself within the bounds of the Word of God.

6. In the Generall Assembly holden at Montrofe, it was ordained, That every Presbytrie shoule seek out the warrants of summar excommunication pro et contra, and produce the same to be confidered in the next General Assembly ; and that decision might be takin therein, according to the Word of God. And feeing the Commissioners from Presbyteries at this prefent

have not brought with them the saids reasongs, it is best to leave this matter to the ordinar General Assembly. In the meantime the act of Montrofe to be keepeid.

7. The General Assembly has appointed every offender to be censured in the place where he offendeth ; which they cannot goe by, nisi in causa communi.

8. Fiat.

9. This article is against the meeting of Pastors necessar, as visitation of kirks, admision of Ministers, concurrence of brethren on the most lawfull errand, as in taking up of feeds, resolving of questions, and such lyke : Therefore, beside their Sessions, Presbytries, Synods Provincial and General, the brethren think all meetings, for discharge of their office, ought to be allowed.

10. This article is answered be an act of the General Assembly, which statutes, that the principal touns fall be planted with Ministers be advice of the General Assembly, at the which his Hienes Commissioners are, and should be present.

11. This article imports a discharge of many points of our Discipline, so as it cannot be presently answered.

They gave their advice be word to 12 and 13 articles. C.]

Sellio 5<sup>a</sup>. 4 Martij.

The brethren conveinit being desyrit be the Kings Commissioners, sent fra his Majestie to that effect, to repaire to the place quher his Hienes and Estates were presentlie sittand, to conferre anent the forfaids articles, they, at his Majesties desyre, reportid to the Counsell house ; and ther, befor any farther reasoning, after his Majestie had discouritis vpon sick things as shold be proponit, protestit in maner as after followis :

Sir, Forsameikle as we are come hither to testifie to your Majestie our obedience, and to heir quhat falbe proponit be your Hienes to vs, with all reverence we protest, that this our meiting be not esteinited as thoch we made ourselves ane Assemblie with the Estates, or get dois submitt any matters ecclesiasticall, either concerning doctrine or discipline, to this Judicatour :

But after we had conferrit and reasounit with your Majestie anent the articles proponit to vs, we must returne to the ordinary place of our Assemblie, ther to reasoun, vote, and resolute in all these points, according to the Word of God and a good conscience. And this our protestation we most humblie defyre may be admittit and insert in your Majesties Bookis of Counsell, for eschewing of inconveniences that heirafter may rife.

The quhilke protestatioun was ratified and reiterat and confirmit be his Majestie ; and after lang reasouning vpon the saids articles, the brethren was dimittit.

[The answers as they were altered, and are extant registred in the 6th Seffion, here follow. C.]

Sessio 6<sup>a</sup>. 4 Martij.

Anent the Articles proponit be his Majestie to be resolvit and answuerit be the Generall Assemblie, the brethren, after long conference and mature deliberatioun, concludes and anfuers to the same, in maner and forme as after followeth :

1. That it is laufull to his Majestie, be himselfe, or his Hienes Commissons, or to the Pastours, to propone in a Generall Assemblie, quhatfoevir [poynt] his Majestie or they defyres to be refolvit or to be reformat in matters of externall goverment, alterable according to circumstances; provyding it be done in right tyme and place, animo edificandi, non tentandi.

2. The Assemblie ordaines that no Minister fall reprove his Majesties laws, statutes, acts, and ordinances, vnto the tyme that first he be advyce of his Presbitrie, Synodall or Generall Assemblies, complaine and feik remedy of the same from his Majestie, and report his Majesties answuer, befor any farther proceeding.

3. No mans name shuld be exprest to his rebuik in pulpitt, except the fault be notorious and publick; quhilke notorietie is defynit, If the person be fugitive, convict be ane affyfe, excommunicat, contumax after citation or laufull admonition; nor get shuld any man be delcryvit vivelie be any other circumstances except publick vyces alwayes damnable.

4. The brethren finds that no person fould vse applicatioun, quherin he has not a cheise respe<sup>c</sup>t to the edifiting of his awin flock and present auditours.

5. The Assemblie ordaines every Presbitrie to take diligent accompt of the Pastours doctrine, and that he keip himselfe within the bounds of the Word.

6. The Assemblie superfeids to answier to the 6 article to the nixt Assemblie; and, in the meane tyme, suspends all summar excommunicatioun quhill the said Assemblie.

7. The 7 lykewayes is referrit to the next Assemblie.

8. Ordaines all summonds to containe a special cause and cryme, and that nane be summound super inquirendis.

9. No Conventiouns fould be among the Pastours without his Majesties knowledge and consent, except alwayes thair Seissouns, Presbitries, and Synods, thair meitings in visitatioun of kirks, admisioun and deprivatioun of Ministers, taking vp of feids, and sick vthers as hes not bein found fault be his Majestie.

10. In all principall townes, Ministers fould not be chosin without the consent of thair awin flock and his Majestie.

11. All matters concerning his Majesties questiouns remanent falbe suspendit, not damned or rebuiked either in pulpitt or vthers thair Judicatours, quhill first all his Hienes questiouns be decydit in the nixt Generall Assemblie; and in speciaill [no] matters importing flander fall come in before them in the mean tyme, quherin his Majesties authorite royall is [highly] prejudgeit, excepting only ecclesiasticall caufes.

12. The Assemblie hes chosin and appointit certaine brethren with commissioun to intreat vpon the faids questiouns, and to report thair advyce and opiniou to the nixt Generall Assemblie; referring the tyme and place of conveining to his Majestie. The brethren appointit to that effect, as followis: Mrs James Nicoloun, Johne Caldcleugh, Andro Clayhills, David Lindsay, Thomas Buchannan, James Melvill, Robert Wilkie, William Couper, Johne Couper, Thomas Bryfloun, Robert Rollock, Patrick Galloway, Johne Duncansone, Robert Hewie.

13. The Assemblie gives commissioun to the Ministrie of the Presbytries of Murray and Aberdein to infist in conference with the Erle of Huntlie; and to that effect appoints Mrs Andro Milne, Andro Leich, Andro Lamb, George Gladstanes and Johue Ramsay, to concurre and affist with them, and [ordaines them to] report thair answiers to the conditiouns and articles given to them in commissioun for tryall of the faid Erle.

Sessio 7<sup>a</sup>. 5 Martii.

The Articles for the trial of the Erle of Huntlie.

First, That the said Erle, from the day of his compeirance befor the saids Commissioners, fall make his constent and ordinarie residence in Aberdein, that he may be instructit be hearing of the Word, and ordinary conference, indureing the tyme appointit for the same.

2. That he be weil informit with knowledge to condiscend on the principall grounds of religiou[n] affirmativé, and the vntrueth of the errours contrair to the same; and that he be able to give a reasoun of his knowledge in sonie measure.

3. That he be brocht to a plaine acknowledging of the Kirk within this countrey, and professe himselfe adjoynit to the same, as ane obedient member therof, and be content to heare the Word, participat the sacraments, and obey the discipline of the Kirk, as the same is prefentlie allowit be the Kings Majestie and Estates.

4. That he solemnlie promise, be word and wrytin band, to remove out of his house, companie, and haill bounds vnder his power, Jesuits, Preists, and excommunicat perfsons.

5. That he aggrie to sweare and subferyve the Confessioun of Faith in presence of the haill Commissioners.

6. That he aggrie to satififie the Kirk of Aberdeine, in most humble manner, for his apostasie, and ther renew the forfaids promises and bands in most solemne manner.

7. Anent the slaughter of the Erle of Murray, That he declare his greife and repentance for the same, and promise to make ane affythment to the pairtie, quhen the same may be convenientlie acceptit of, and vtter his forfaid repentance and greife therin, at the tyme of his publick satiffacioun forfaid.

8. Forfameikle as be occasioun of service done to his Majestie in perfewing the said Erle be force and vtherwayes, fundrie in these parts hes incurrit his displeasure and deadlie feid, that he be content to remove all these occasiouns with such convenient diligence as the saids Commissioners fall think expedient.

9. For declaratioun of his affald adjoyning with vs, that he be content at thair fichts, and advyce of his best disposed freinds, to provyde sufficient stipends for his kirks.

10. That he fall acknowledge his faults, quherfor he was [justly] excommunicat, and especially the burning of Dunibirflie, and [his] apostafie.

11. That he fall have ane ordinar Minister resident in his awin house continually :—

With power to them to conveine the 22 day of March instant, or sooner if they can possiblie, and to conferre with the Erle of Huntlie, and resolute him of the Articles forfaids, and to report his mynd and resolutioun anent the fame at the nixt Generall Assemblie, to be haldin at Dundie the 10 day of May nixt to come.

Anent the supplicatioun givin in be Dame Elizabeth Oliphant, Countes of Angus, making mentioune, That quher diverse and frequent futes hes been made be herfelse and the remanent freinds of William, sometymes Erle of Angus, defyrand conference with certaine of the Ministrie, for his farther resolutioun in the heids of Christian Religioun, quhilk hes not tane so good ane effect as was lookit for, be reason of certaine impediments quhilk hes fallin out in the meanetyme ; requeisiting, therfor, most earnesly to appoint certaine of the wifest brethren quher he maks his residence, to conferre and resolve him of the doubts that stayes [him] from imbraceing of the true and Christian Religioun publiclie profest within this realme : The Assemblie ordaines the Ministrie of Angus and Mernes to conferre with the Erle of Angus anent sick doubts as he wald be resolvit vpon ; and specallie to conferre with him anent the Articles preceeding, quhervpon the Erle of Huntlie is ordainit to be tryed, exceptand only sick as concernes the Erle of Murraies slaughter ; and to report his resolutioun in the premisses to the nixt Generall Assemblie.

Anent the offers givin in be Francis, sometymes Erle of Erroll, to the Generall Assemblie presentlie conveinit at Perth, beirand as folowes :

First, I offer to abyde any just tryall of the alledgit traffiqueing against the religioun presentlie profest within this countrey, indureing my absence

off the countrey, and to make all sufficient purgatioun to your Wifdomes for the fame.

Farther, I offer all possible securitie and catioun, in all tymes coming, nevir to traffique aganis the said religioun, and that neither the said religioun nor discipline therof fall anywayes be hindred be me, bot have the ordinar course in my bounds, as in vther parts of the countrey.

And to declare my willingnes to be resolvit in the said religioun, I am content to accept conference therin, and requyres the fame at your Wifdomes, quho hes the power, that ge will appoint ane or mae of your number indifferentlie, as they falbe requyrit of me in the parts quher I presentlie dwell, and hes the leasure or occasiou to resort quher I fall happen to be, to conferre with me vpon the haill contravertit heids, [that I may have instrucciōn ;] and if I falbe thereby movit, that the haill number of that Synod quher my residence is, will take the paines to conveine and meit me at some competent place, to hear and testifie of me. Indureing the quhilk tyme of conference, I fall no wayes respect any Jesuit, Seminarie Priest, or excommunicat person.

And if it fall happen that I be resolvit in the heids of contraverzie, I fall vnfainedlie from my heart imbrace the said religioun, and make publick confessioun therof in tyne comeing, and fall make satissacciōn for my defectioun from the fame, as falbe injoinit.

Laftlie, Defyris to be absolvit, or at leaſt ſuspendit, from the ſentence of excommunicatioun indureing the tyme of my conference ; fo that none of my freinds that reſorts to me, and may be ſtedable to me be thair counſell, either in the ſaid conference or vthers my leifum affairs, be troublit be your censure therfor, bot may have your licence to have acceſſe to me, and I to them, in quhatfoevir part of the countrey I fall reſort ; lykeas I have obtainit his Majefties licence and charge to your Wifdomes to give me conference ; quhilk it may pleafe you receive, and doe accordingly as ge wold give me argument of your good intentioun towards my conversion ; quherof I doubt not : and for the performing of the premitfes fall find catioun and lovertie.

The Affemblie ordaines the Miniftrie of Murray and Aberdeine, with the fyve Minifters adjoynit to them, for conference with the Erle of Huntlie, to treat lykewayes with the [Erle of] Erroll anent the premitfes, and to report to the nixt Generall Affemblie quhat refolutioun they find in him concerning the Articles conteinit in thair commiffioun direc̄t for the

tryall of the Erle of Huntlie; exceptand alwayes sick articles as concerns the slaughter of the Erle of Murray.

Farther, The Assembly ordaines these Commissioners grantit for conference with the faids Erles of Angus, Huntlie, and Erroll, to be extendit to the Lairds of Newton and Bonytoune, in case they offer themselves to satiffie the Kirk.

Attour, If it fall happen the said excommunicat persons, or any of them, to refort or repare to any vther part within this realme, the Generall Assembly gives full power and commissioun to the Ministrie of the Presbitries quher they fall chance to refort, to treat and conferre with them anent the heids and articles above wrytin.

Anent the supplicatioun givin in be Mr Johne Rutherford, defyreing the proces of his deprivatioun led be the Presbitrie of Sanct Androes to be produceit, fein, and confiderit be the Assembly: The Assembly ordaines the said Presbitrie to produce the said proces at the nixt Generall Assembly, and ther to answier to the said Mr Johne his complaint givin in against them.

Certaine Petitiouns given in be the Ministrie prefentlie conveinit, [to be presented] to the Kings Majestie.

It is humblie craveit be this present Assembly, that zour Majestie, with advyce of the Estates prefentlie conveinit, confiddering how it hes pleased God to give a good succeſſe to this present Conventioun, and that all things concludit herein tends to the peace and quyetnes of the haill Eſtate of this countrey, and the diſſappointing of the expeſtatioun of the adverſaries, will, with advyce forfaids, publish be opin proclamatioun the good succeſſe of this prefent Conventioun, together with a declaratioun of zour Majesties intentioun, vtterit be zourselue at this tyme in preſence of zour Estates, declaring zour good will to mantaine the true religiouſ prefentlie profeſt within zour countrey, the discipline adjoynit thereto, and the Minifters to quhom the charge of the fame is comittit; and to declare that zour Majesties will is, that quhatſoevir law, aſt, or proclamatioun hes bein made, prejudiciale to the fame, falbe eſteimit contrair to zour Majesties meaning, and to have no force nor effect in no tyme heiraſter; and that nane of zour ſubiects pretend, be any colour therof, to trouble any of the faids

Ministers, but that they wilbe vnder your Majesties protectionoun ; and that he will esteime the contraveiners, troublers of your estate, and punish them accordinglie.

2. That all Papists, Jesuits, and excommunicats remaining within this countrey, be chargeit to passe aff the same, betwixt and the first of May nixt to come, or els to satififie the Kirk : and if they doe not the same befor the day appointit, that Sheriffis in shires, Provefts and Bailfies in townes, be commandit to apprehend and prefent them before his Majestie and Counfell, to be punisched according to the law ; and if they be negligent in apprehending them, that commissioun be givin to certaine most zealous and willing perfsons to doe the same.

3. That it may please your Majestie, according to your accustomit clemencie, to relaxe prefentlie the Ministers of Edinburgh from the horne, and suffer them [peaceable] to returne and remaine within this realme ; as also to releive and fett at friedome sick gentlemen and profellours of religioun as now are vnder challenge, seeing your Majestie knowis that the love to religioun movit them to these things quherwith they are now burdenit.

4. That seeing that Edinburgh has that honour to be cheife burgh in this countrey, and that place quherin religioun, since the beginning, hes bein most flourishing, and now are both destitute of thair awin Ministers, and sicklyke callit, from tyme to tyme, before your Majestie, quhilk is no small greife to thair hearts, in respe<sup>t</sup> that your Majestie knowes the greatest part of the haill towne are most willing to give your Majestie all obedience, and to hazard lyfe and substance for your Majesties standing, That it may please your Majestie favourablie to deale with them according to your accustomit gentlenes, that it may appeir that your Majestie is more inclynit to shew favour to men that meanes [uprightlie] to your Hienes then to Papists. We are movit to crave the same, that all your subiects may sie a generall aggriement.

5. That it may please your Majestie, seeing Mr David Black hes obeyit sick things as was injoynit to him, to give him libertie to returne to his flock ; and sicklyk to Mr John Welch and to Mr John Hewifone.

6. Becanfe divers complaints of hurting and mutilating of Ministers are givin in before vs, namely

We most humblie crave that your Majestie wald take some substantiall ordour for punishing the offenders in example of all vthers heirafter.

7. That provision be made for planting of kirks, and that the augmentationis and planting of new kirks, made in anno 1595, be allowit.

Follows his Majesties Answers to the said [Petitions and] Articles.

The firſt article is grantit in ſubſtance.

The fecond is alſo grantit.

As to the third, [and firſt part thereof,] concerning the Minifters of Edenburgh, They are ordained to be relaxit vpon cautioun to be found be them to the Juſtice Clerk, that they fall vnderly the law. As to the gentlemen for quhom the Affemblie makes requeiſt, His Majeftie thinks good that they, be the mediation of thair freinds, be futers for themſelves.

And as to the fourth, touching the towne of Edenburgh, His Majeftie myndſ no wayes to trouble innocent men, bot fick only as are guiltie, and myndſ ſhortlie to be at point with them.

Twitching the invacioun of the Minifters, a Commiſſioun is [ordainit to be] direc̄tit for calling and punishing the offendiſers.

Concerning the laſt article, his Majeftie ordaines the Treasurer, Mr James Elphingſtoun, the Clerk Register, Mr Johne Prestoun, and Mr Edward Bruce, to take ordour, asweill for the planting of kirks, as with the augmentationis quhilk were grantit anno 1595.

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[The Kings Preface to the reader before the printed Questionis, declaring what was his intention in moving of so many questions anent the Discipline. The tenor whereof followeth.

#### To the Reader.

For as much as it is one of the principal points of the office of a Christian King to see God rightly honoured in his land ; for effectuating whereof it is necessary, that the Spiritual office bearers in the Kirk not only teach and found doctrine, concerning the points of salvation ; but likewise observe a comely order in the Spiritual Policy agreeing with the Word of God, the loveable custome of the primitive Kirk, and with the lawes of the countrey, and nature of the people, for repressing the vices, whereto they are chiefly inclined, as best may serve to establish and maintain the purity of religion : Therefore it becomes every Christian King, as fathers, nourishers of the Kirk within their dominions, and revengers of the breaches of both the tables, to strengthen and assist, be the concurrence of their civil fword, the faid Spiritual office bearers in the due execution of their calling : and, on the other part, to compell them to exercise faithfully their office, according to the rule prescribed to them be the Word of God ; not suffering them to transgres the limits thereof in any sort : Wee, therefore, having had due consideration hereof, and perceiving not only a great liberty used in application of the doctrine within our countrey, without any clear warrant of the Scripture as yet alledged, for proving of the same ; as also a great obscurity in divers points of Discipline and Policy of the Kirk ; novelties daily creeping in ; the lawful authorities and warrants thereof not being as yet made manifest ; have thought, comely following the loveable exemple of Christian Emperours of the primitive Kirk, to conveen and assemble a National Council, as well of the Ministry, as of our Estates, and of all sorts of men of deepest learning and greatest sincerity in religion ; to be holden and to beginne to sit in our burgh of Perth the last of Februar next to

come ; gravely to treat, reasoun, consult, and determine, (according to the Word of God, as the only rule,) upon the clearing and distinguisheing of the Spiritual Jurisdiction, as well in the application of doctrine, as in the whole Policie and Government of the House of God. And to the effect that all men may come the better prepared to the said Convention, being dñely forewarned, and advised wth the matters that then are to be traited on, Wee have thought good to fet down certain Articles thereof, in form of Questions, as hereafter followeth ; taking God, the searcher of all hearts, to record, that our intention in this, is no wayes to trouble the rest and peace of the Kirk by thorny questiouns, or to claim any tyrannical and un-lawful government over the same, but only to see all such troublesome questiouns solved at this tyme ; which, if they stll remained in doubt, might, either in our time, or in the time of our succeffors, bread flanderous debates : and that the Policy of the Kirk be so cleared, as all corruptions may be weeded out of the same, and none suffered hereafter to creep in ; that thereby the glory of God may be advanced, all grounds of farther Questiouns betwixt us and the Ministry may be removed, and a pleafant harmony and mntual concurrence between us may be establisched, to the great comfort of all good men, and terrour of the wicked. C.]

[The Questiouns proponed be the King, to be refolved at the Conventioun of the Estaits and Generall Assemblie, appointed to be at brouche of Perthe, the last of Februar.

Q. 1. May nocht the maters of the externall gubernation of the Kirk be disputed, falua fide et religione.

Q. 2. Is it the King feueralie, or the paftorfeueralie, or bathe coniunctlie, that foulde establishe the Actes anent the externall gouernment of the Kirk, or what is the form of thair coniunction to mak lawes.

Q. 3. Is nocht the consent of the maist part of the flock, and also of the Patron, necessar in the electioun of the Pastors.

Q. 4. Is it laufful for the Pastor to leaue his flock against thair willes, albeit he haue the consent of the Presbyterie ; and for what caufe foulde the Presbyterie consent thereto.

Q. 5. Is it lawfull for a Minister to vse farder applicatioun nor that quhilk may edifie his awin flock ; or is the haill warld the flock of euerie particular Pastor.

Q. 6. Is he a laufull Pastor, who wants impositionem manuum.

Q. 7. Is it laufull to Pastors to expref particular mens names, Counfallis, or Magistrats in pulpit, or so viulie to descryue tham, that the peiple may vnderstand whom be they mein, without notorius declarit vices and priuat admonitions preceeding.

Q. 8. For quhilc vyces sould admonitiones and reproving of Magistrats pas publicthie from pulpits in their absence or prefence, respectiué.

Q. 9. Is the application of doctrine in pulpits lauchfull quhilk is foundit vpon informatiouns, bruits, and rumors, suspitionis, conditions gif this be and that be, probabilities, liklines or vnliklines in things to come in ciuell maters, quhilk all may be fals, and consequentlie the doctrine following therupon; or sould all applicatioun be vpon the veritie of knawin and notorius vyces.

Q. 10. Is the text, quhilk is read in the pulpits, the ground wherupon all the doctrine sould be buildit, or may all things be spokin vpon all texts, so that the reiding therof is bot a ceremonie.

Q. 11. May a simple Pastor exerceife anie iurisdiction but consent of the maist part of his particular sessioun.

Q. 12. Is nocht his sessioun iudge to his doctrine.

Q. 13. Sould nocht the Moderator of the Sessioun be choisin yierlie of anie who has vot therin.

Q. 14. May the Sessioun be laufullie elec<sup>t</sup>ed by Ministers onlie, but the consent of the haill congregatioun.

Q. 15. Why sould nocht Eldars and Deacons of ilk particular Sessioun be elec<sup>t</sup>ad vitam.

Q. 16. How manie Presbyteries is meit to be in the haill countrie, in what places, and whow manie Pastors of Kirk in ilk Presbyterie.

Q. 17. Sould nocht the Eldars and Deacons of ilk particular Sessioun, haue vot in the Presbyteries, or the Pastors only.

Q. 18. What is the maters of the iurisdiction of the Presbyterie, quhilk may nocht be intreated in particular Sessions.

Q. 19. What form of proces in libelling and citation, termes and dyattes, probation and pronouncing of the sentence, sould be vfit befor the particular Sessiouns and Presbyteries respectiué.

Q. 20. What maters sould the Synod intreat vpon, quhilk may nocht be decydit in the Presbyteries.

Q. 21. Sould nocht all wha hes vot in the Presbyteries, and als in the particular Sessions, have vot in the Synodall Assemblies.

Q. 22. Sould ilk Vniuersitie or ilk Collage, or ilk Master or Regent within ilk Collage, haue vot in the Presbyteries or Synodals in the towns or countries whar they ar; and sic lyk, what form of vot sould they haue in the Generall Assemblies.

Q. 23. Is it lesun to conuocat the Generall Assemblie by his Maiesties licence, he being pius et Christianus Magistratus.

Q. 24. Is it necessar that the Generall Assemblie be ordinar, or onlie extraordinarlie conuened for waightie causses concerning the Kirk.

Q. 25. Hes nocht all men of guid lerning and religion vot in the Generall Assembly.

Q. 26. Is ilk particular Pastor oblesit to reapear to the Generall Assemblie, or is it sufficient that onlie Commissioners com fra ilk particular Session, Presbyterie, or Synodall.

Q. 27. Wha sould chuse the Commissionars to cum fra ilk schyre to vot in the Generall Assemblie.

Q. 28. Quhat is the number of votters necessar to the lawfulness of the Generall Assemblie, and whow manie of the baill number sould be Pastors, and how manie vther men.

Q. 29. May anie thing be acted in the Assemblie to the quhilk his Maiestie consents nocht.

Q. 30. Is it nocht expedient that the twa part of them, wha has ius suffragii, sould consent to anie thing decernit in ecclesiasticall iudgment, that matters pas nocht be a vot ma or les.

Q. 31. Hes nocht ilk Judgment inferior to the Generall Assemblie an territor limitat, outwith the quhilk they haue no powar of citation or iurisdiction.

Q. 32. What is the ordinar ecclesiasticall Judgment to the discipline of his Maiesties houshold and Counfall, remouable with his Maiestie to anie part of the realme.

Q. 33. Sould thair be libellit precepts conteining the caufe of the citation and certificatioun of the censures besor all ecclesiasticall Judgments, or onlie till answier super inquirendis.

Q. 34. Hes the inferior Judgment powar to summond to compeir besor anie superior Judgment, or sould men be summoned onlie be the authoritie of that Judgment besor quhilk they sould compeir.

Q. 35. Is it nocht necessar that priuat admonitionnes, with reasonable interualles of tym, pas befor all maner of citationnes.

Q. 36. What interualles of tym is necessar betwix priuat admonition, and betwix the laſt admonition and the firſt citation, and betwix the citation and the day of compeirance befor ilk an of the faid judgments.

Q. 37. Whow manie citationunes fould infer contumacie.

Q. 38. Is ſimple contumacie, but probation of a cryme, or is anie cryme but contumacie, ſufficient caufe of excommunication.

Q. 39. Is ther nocht diuers kynds of censures, ſic as prohibitio priuati convictus, interdictio a coena, nocht published to the peiple; and laſt of all, publica traditio Satanae.

Q. 40. Sould the Presbyteries be iudges of all things that imports fklander; and gif ſa be, wharof are they nocht iudges.

Q. 41. Can excommunication be vſed againſt theiffis, murdereris, vſuraris, or nocht peyars of thair dettes; and if ſa it may be, why ar nocht all Bordour and Hieland theiffis curſed; as als all the manswering merchants and occurrars amongs the burrowes.

Q. 42. Is ther any appellation fra the inferiour to the ſuperior iudgment; and is nocht the ſentence fuſpendit during the appellation.

Q. 43. Sould nocht all proceſſ and actes be extracted to parties hauand intereft.

Q. 44. Is ſummar excommunication lauchfull in anie cace, but admonitionnes and citationnes preceeding.

Q. 45. Hes anie vther nor the Paſtors of the Kirk vott in excommuni- cation.

Q. 46. Hes ilk eccleſiaſticall Judgment a lik power to excommunicat.

Q. 47. Is it lawfull till excommunicat ſik Papifts as profeffit neuer our religion.

Q. 48. A woman being excommunicat, hauing a faithfull houſband thereaſter, fould he abſtein from hir compagnie.

Q. 49. Is it nocht reaſonable, that befor anie letters of horning be granted be the Seſſion vpon the proceſſ of excommunication, that the partie fould be cummoned to heir than granted.

Q. 50. Hes nocht a Christian King powar to annull an notorious iniuft ſentence of excommunication.

Q. 51. May anie Counſall or Vniuersitie be excommunicat, for what caufe, whom be, and maner therof.

Q. 52. When the Pastors does nocht thair diewtie, or when a iurisdition vsuperes aboue an vther, or anie vther schisme falles out, sould nocht a Christian King mend sic disorders.

Q. 53. May fastes, for generall caufes, be proclaimed be a Christian Prince command.

Q. 54. May onie ecclesiasticall Judgment compell a man to fwear in suam turpitudinem.

Q. 55. Sould ther onie thing be intreated in the ecclesiasticall Judgment, preiudicall to the ciuill iurisdiction or priuat mens rights ; and may nocht the ciuill Magistrat lauchfullie stay all sic proceedings. [C. & Melvill's Diary.]

[Instructions givin be the Synod of the Prouince of Fyff to the Commissionars, to be chofine by euerie Presbyterie within the faid Synod, to go to the Conventioun appointed be his Maieftie at Perth : The quhilk the faid Synod ordeanit them and euerie an of them preceſſlie to keipe.

Firſt, Yie fall ſchaw that yie are com for obedience to his Maieftie, and nocht for that yie acknawlage that to be a lawfull Generall Affemblie, be reafeone it was nocht appointed be the laſt Generall, nor convocat be the advys of the Commissionars of the laſt Generall Affemblie, as hes bein the praćtice of the Kirk at all tymes befor within this realme, warranted be the Word of God and lawes of the countrey.

Item, Yie fall ſchaw that yie may nocht condifend in anie wayes to the reaſoning or putting in queſtioun the maters of the Polecie of the Kirk ; because the Generall Kirk of this realme, to quhilk yie ar ſubiect, hes alreadie determined the ſaming ; quhilk determinatioun yie haue also ſubſcryvit vnto, and naun may call the ſam in dout, and put them in reaſoning, but a Generall Affemblie : Therfor yie fall defyre his Maieftie, in all humilitie, for continuation of the reaffoning to the ordinar affigned Generall Affemblic, to be haldin at Sanct Androus the xxvj of Apryll nixtosome.

Item, Gif na continuatioun can be obteined, and yie ar vrged to proceide, yie fall proteſt for the liberties of the Kirk, and planlie diſaffenting, keipe yourſelfſs frie of euerie thing that falbe done theranent.

Item, Because the Conventioun is appointed be his Maieftie onlie for the

questionnes, yie fall nocht mell in anie maner of way withe the receaving of Hountlie or vther excommunicats, or anie vther thing remitted from Synodall, or Presbyteries, or properlie belanging to a Generall Assemblie.

Item, In cais the brethring amang thamselues, or his Maiestie, or anie of his Counfall, enter in reafoning with yow, or anie of yow in privat, that ye hanld faft be thir generall grounds.

1. That the haill external government of the Kirk mon be tean out of the Word of God.

2. That the ordinar Pastors and Doctors of the Kirk mon schaw the will of God out of his Word; and that onlie to be followed.

3. That the Pastors and Doctors of the Kirk of Scotland hes, with lang and graue deliberatioun, fett down and constitut the haill external discipline and government of the Kirk; according to the quhilke it hes bein thir manie yeirs sa happelie governit and rewlit, that na heresie, schisme, or dissentioun hes haid place therin vnto this houre; and that ther is nan beiring office in the Kirk, who calles the fam in dout. It wald, therfor, pleis his Maiestie nocht to suffer the rair and maist peaceable and decent constitutioun therof to be disturbit be exagitating of fruietles questionnes, namlie at this tyme, quhen Papists preaffes, be that mean of disputationoun namlie, to brangle and pervert all.

Item, Yie fall tranelly with the Ministers, Barronnes, and Noblemen, that fall happen thair to be conveinit, that an vniform supplicatioun may be maid and giffen in for restoring of the Ministers of Edinburche, and Mr Dauid Blak again to thair flockes; and behave yourfelves heirin, in the feir of God and loue of Chryſt and his kingdom, faithfullie and providentlie, with all dewtisfull reverence to the Kings Maiestie. [C. & Melvill's Diary.]

[The Presbytrie of Edinburgh being in jealousy lykways of the Kings proceedings, limited their Commissioners in forme, as followeth.

#### The form of Commission givin to the Commissioners of the Presbytrie of Edinburgh.

For as much as his Majestie has appointed a Generall Assembly of the Ministry to conveen at Perth, the last of Februar instant; and to that effect, his Hienes has directed letters missives to divers Presbyteries within this realme; and among others to the brethren of the Presbytrie of Edinburgh, willing and desiring them to addres two or three of the wileſt and moſt

discreet brethren of their number to the said Assembly, against the said day and place, instructed with commission, and their best advyce and opinion in matters touching the Policy of the Kirk, as the same bears: The brethren, therefore, of the said Presbytrie, to witness their humble obedience to his Majestie as to their Sovereign, have directed, lykeas be these presents direct, their well beloved Mr David Lindsay, Mr Patrick Galloway, John Duncanson, Ministers, with power to them to conveen and assemble themselves with the Commissioners of other Presbyteries, that shall happen there to be conveened, to hear and see what fall be proponed anent the treating of the difference of the Civil and Ecclesiastical Judgements, and matters concerning the Policy of the Kirk, and external government thereof, and to report to them; but no wise to proceed in reaoning, voting, or concluding any thing, which may be prejudicial to the Constitutions of the General Kirk, anent the said matters; and to deal therein according to the instructions given in write, and no otherwife. To all which wee give the brethren foresaid our power and commission, promising to hold firm and stably &c.

Subscribed be the Clerk of the Presbytrie.

#### Instructions to the Brethren.

1. Ye shall shew, that ye are come for obedience to his Majestie, and not for that ye acknowledge this to be a lawfull Assembly, be reaon it is not appointed be the last General, nor conveened be the Commissioners of the last General Assembly, as has been the practise of the Kirk, at all tymes before, in this country.

2. Ye shall shew, that ye may not condescend any way to the reaoning of the matters of the Policy, because the General Assembly, to which ye are subject, has already determined the same; which determinations ye have also subscribed unto; and none may call the same in doubt, or put them in reaoning, but the General itself: Therefore ye shall desire his Majestie, in all humility, for a continuation of the reaoning till the ordinary Assembly, which is to be in Sanct Andrews, in the month of Aprile next to come.

3. If no continuation can be had, and ye be urged to proceed, ye shall protest for the liberties of the Kirk, and keep yourselves always free of every thing, that shall be done thereanent.

4. Because this Assembly is conveened be his Majestie, only for thir differences, ye shall not medle in any manner with Huntlies receiving, or any other thing properly pertaining to the General.

5. Last, Ye shall travel with the Ministrie, Barons, and Noblemen, that shall happen there to be conveened, that an uniforme supplication may be made for restoring the Ministers of Edinburgh to their flocks; and to behave yourselvēs herein prudently, as accords. C.]

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[Upon the 27 of Aprile, Mr Robert Pont, Moderator of the last Generall Assembly ordinar, went to Sanct Andrews of purpofe to keep the dyet appointed be the last Generall. Few or none conveened, but ſome few Commiffioners out of Lothian, Perth, Stirline, and out of the Synod of Fife. They conveened in the New College School, the place appointed for the faid Assembly. After in calling on the name of God, and humble confeſſion of the fins which had procured that defolation, craved mercy, and fenced the Assembly. Notes and documents of protestation were taken for the liberty of the Kirk. All ſummons, references, appellations were continued till the Assembly following. The exhortation of the Moderator was lykeways continued to that day. C.]

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A. D. M D.XCVII.

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The Generall Assemblie, halden at Dundie the 10 day of May 1597,  
in the Little Kirk.

Sessio 1<sup>a</sup>.

Exhortation beand made be Mr Robert Pont, last Moderatour, the brethren appointit on the leits Mrs Nicoll Dalgleish, James Melvill, Patrick Simfone, Patrick Sharp, Thomas Buchannan, Johne Porterfeild, Robert Rollock, James Balfour, David Fergufone, and David Lindsay : be pluralitye of vottis Mr Robert Rollock was electet Moderatour hac vice.

Sessio 2<sup>a</sup>.

Mr Thomas Nicolfone, and Johne Williamfone, Writer, beand put on leits for the Clerkship, vaikand be the deceis of Mr James Ritchie ; be pluralitie of votis, Mr Thomas Nicolfone, Advocat, was chofin, fworne, and admittit.

Sessio 3<sup>a</sup>.

[Also it was ordainit, That at the penning of every A&t, there shoulde be certain discreit and wife brethren, with the Clerk, to see the A&ts formed ;

of which number were Mr James Melvil and Mr James Nicolson ; but when Mr James Melvil came to attend, they were commanded to come to the King with the minuts : So he got not access again.

It was also ordained, That all the Acts shoulde be read in audience of the haill Assemblie, before the dissolving of the same ; and therafter to be inbookit and registrat. C. & B.]

[It was shewed to the Assembly, how the Kings Articles past at Sanct Johnstoun ; but no remedy : Howbeit, a great number of the sincerest fort did their part honefelly.

Mr John Davidsons letter to the Assembly was read in the third Session, the copy whereof followeth.

Gal. 5. Stand fast therefore in that liberty wherewith Christ has made us free ; and be not intangled again with the yoke of bondage.

As infirmity of body hindered my presence from this Assembly, (Reverend and loving brethren,) so straitnes of time suffereth me not to supply my abfence be wrift, as I would : yet feeing duty craved somewhat in this case, at so necessary a tyme, I abridged a few things to call to your godly remembrance ; beseeching you all to take them in good part, as they come of a loving mind to Christs caufe and weale to his Kirk. It is not unknown to you, (dear brethren,) that the unity and the liberty in the sincerity of doctrine, has been, and is to this day, the rose garland of the Kirk of Scotland ; and that the preservation of this unity and liberty in doctrine, come of the agreement in the liberty of the execution of discipline, which has been the hedge and bulwark, as it were, to the doctrine hitherto : Therefore the invasion of the freedom of discipline cannot be without ensueing danger to the liberty and unity of doctrine, no more than Edinburgh can be long free of fear of perrill, if invasion of the borders be not resisted at the borders. And it may well be thought, that the preservation of the liberty and unity in discipline, was faved be the wife wearing off thornie questions thereanent, by wife foresight of our worthie fathers and brethren, who ranged the questions in the General Assembly to allow the tyme and place therof, that the heat therof shoule not burn out at the beginning, and so dislurb the whole action. Besides this, these questions

were limited to come by degrees from other inferior Assemblies, who were not able to solve them ; and not to break in at the broad side. And last, if they were questionis of weight, they were remitted from one Assembly, to be ripely advised on by the brethren, to the nextt Assembly, for avoiding of contention and rash conclusions. Which good custome, if it had not been keepeed, our liberty and unity could not have stood, as two loving sisters, to this day ; for where questions get over great liberty, godly edifying is excluded, as miserable experience teacheth among the Popish schoolmen. They breed strife, as the Apostle writes ; and the beginning of strife is, as one that openeth waters : wherefor, ere contention beginne, let us leave of, as Solomon faith. Neither is it about mere externall things, or alterable, as men speak, that the chief question is now a day ; howbeit, questions, even in these matters, as is said, are warrilie to be admitted ; for as that ancient Father gives out, *Facilius est constituta labefactare, quam labefactata in pristinum statum reducere* : But it is about a substantiall part of doctrine, to wit, rebuke of vice, and that manifest, open, and obstinat vice, that groweth to such great light, as it would be licentiat be lawes, with imprisonment and bondage of the liberty of the truth, as all that are not wilfully blind, may easily see ; for the which truth, and liberty therof, wee are bound to strive : Therefore, let us stand fast in that liberty, wherewith Christ, in that case, has made us free above all nations ; and let us not agree with men in these things, que concordiam proflus excludunt. Nefarie quidem impieque concordes erant, qui turrim extruebant. Nanianzenus. And let libido novandi circa ecclesiam be far, at the left, from ourselves of the Ministry ; as in fense the same Author hath. Many things hath our Kirk need of at this time, meeter to be handled, than such questionis. Neither has our Prince, (God be praised,) occasion to conveen us, for making agreement and concord among us, as the good Emperours had. And as for things to be reformed for the well of the Kirk, I hear no word of them. I pray, Satan's drift be not to break our agreement, that hath stood so long in Christ : For it is delivered be an ancient Father in this fense, *Nam tyranni Eccleiam infectando, firmiores etiam ipsam reddiderunt, &c.* Quod cum versipellis ille animadvertisset, aliam fraudem excogitavit, inimicitiasque et funesta disidia inter duces (Antisites) ipos excitavit. And Basil giving the cause of this plague, writeth in this fense, *Dissentio multorum contra multos ex eo contingit, quod indignos nos ipsos gubernatione et moderamine Domini constituimus.* Wherfor, brethren, let us stand fast in our Christian

liberty and unity, et absit, ut inter nos trifli contentione (as one writes) decertemus. But if the tyme be come, that the sentence of the Apostle is to be performed, Oportet enim, etiam hæreses inter vos esse, we doubt not but, Qui probati sunt, manifesti sicut inter nos. And if any act shall passe (as God forbid) in contraire anie jote of your Christian liberty, agreeable to Gods word, and the laws of the realme, I, in my own name, and the rest of Chryssts faithfull Messengers within this realm, will stand, be Gods grace, to the protestation made verbaly be me, in his Majesties presence, at the last General Assembly holden at Edinburgh : for it will not be the new cords of the Philistins, that will keep Sampson bound. Howbeit Moses would not leave behind him ne ungulam quidem, he was not for that a shismatik. And Elias was no troubler of Israel. Haec, *θρασιως μεν των και αμαθων*. Yet I trust the good brethren will take my simple meaning in good part. Farewell, good brethren : and the good Spirit of the Lord be prelident among yow. Amen. From Saltprefloun, the 8th of May 1597.

Your loving brother in Christ,  
JOHN DAVIDSON.

My simple advice is, if any grant of absolving from excommunication be made, as I know no cause yet why ; yet if others know, that they get annum probationis injoined to them before they be admitted to Court, or have access to sit at the helme : for though they have Jacobs voice, yet I fear, Esau's hands. But it is objected, that this matter will be troublesome to us, if we stand to it : Answer, It is a new doctrine to say, That Christians be without a crois.

#### Seffio 4<sup>a</sup>.

Anent the supplicatioun givin in be the Laird of Wachtoun, and Glenragies, desyrand a command to be givin to Mr William Murray, Minister at Dysert, to sett in tak and assedatioun to them or thair tennents thair teynds of tbair awin lands, lyand within the parochie of Dysert ; or els, for eschewing of farder danger, to retaine the saids teynds in his awin hand : The Assemblie ordaines the said Mr William to retaine the saids

teinds in his awin hand ; discharging him of all setting of the same to any person quhatsumevir, vnder the paines conteinit in the acts of the Generall Assemblie.

Anent the supplication givin in be the Presbytrie of Dumbaritan, desyrand, in respect of the fewnes of thair number, that certaine of the Presbytrie of Paisley might be adjoynit to them, to the effect they might be the more able to awaite vpon the commoun affaires, pertaining to the glory of God and weill of the Kirk : The Assemblie ordaines a commissioun to be direct for visitatioun of the haill Presbyteries within the boundis of Cliddaill, Ranfrew, and Lennox, with power to them to confidder how many Presbyteries falbe necessar within the faids bounds, and to fett downe a solid ordour theranent.

Anent the complaint givin in be the Presbytrie of Brechin aganis Mr Dowgall Campbell, Minister of Fernewell, for his obstinacie in refuseling to pronounce the sentence of excommunication aganis Patrick Butter at command of the said Presbytrie, he being Moderatour thereof for the tyme ; for the quhilk they had suspendit him from preiching the Word vnto this Assemblie : The Generall Assemblie ratifies and allowes the laid suspensioun.

#### Seflio 6<sup>a</sup>

The brethren of the Presbyteries of Murray, Aberdein, and Mernes, with the vther brethren joynit with them in commissioun joystlye, respectivē appointit be the last Generall Assemblie haldin at Perth, for tryall of the obedience of the Erles of Angus, Huntlie, and Erroll, to the particular injunctiouns fett downe be the laid Assemblie, and injointit to them for declaratioun of thair repentance, being desyrit be the Generall Assemblie to report what resolutioun they fand in the faids Lords, touching sick articles and conditiouns as were fett downe in the said commissioun, They being present befor the haill Assemblie testifid and declared, that they fand them obedient and willing to satisfie in all humble manner, and perfevering and continuing in thair earnest fute for reconciliation with the Kirk : And as concerning the faids articles and conditiouns, quhervpon the faids Commissioners were ordainit to have tryed and resolvit them, the faids Commissioners, every ane for thair awin parts respectivē, produceit the said ar-

ticles and conditiouns, with full ansuers to every ane of them particularlie subflequent made be the faids Lords, offering to acquiesce to the faids conditiouns, and to fulfill the same : And for more declaratioun of thair consents therto, the faids articles and ansuers thereto particularly following every ane of them were subscryvit severally be the faids Lords, in signe and tokin of thair embraceing therof, as followes :

The Erle of Huntlies ansuers to the Articles.

The first is obeyit : For he compeirit [at Aberdeen] the 22 of Marche appointit to him, and ther abode, [waiting] on doctrine and conference, till the Commissioners were satifified with his resolutioun ; and so the conference endit.

2. The brethren appointit to deale with him, brocht him, after lang conference, to confesie [the verity of] the haill grounds of religioun affirmativé ; resolvit his doubts be the Word of God ; and moveit him with knowledge to refuse and detest all heids of Papistrie contrair to the same.

3. He acknowledges the Reformat Kirk of Scotland to be the true Kirk : he is ready to joyne himselfe efaldlie thereto, acknowledging himselfe a member therof, submittting himselfe to the same ; will heare the Word, and obey the same be the grace of God ; participat the sacraments ; and obey the haill discipline [of the Kirk,] as it is allowit be the Kings Majestie and Estates.

4. He is readie to sware and subscrive the Confessioun of Faith in presence of the haill Commissioners, so foone as they fall come back with power to pronounce his absolutioun.

5. In significatioun of his obedience to the articles, he hes declarit to the haill commissioners, that sen he entrit in dealing with the Kirk, he never intercommunit be word or wryte with any Jesuite, Priest, or excommunicat Papist, except so many as are vnder conference with the Kirk ; and is content to abyde thereat in all tymes coming : Sicklyke he is content to give his wrytin band, that he fall banisch and expell out of his [company and] haill bounds all Jesuites and Seminarie Preists, and fall expell therefrom all excommunicat Papists, except such as fall have licence from the Kirk and Kings Majestie : and, finallie, that none fall have receipt be his

knowledge, in the places of his commandement, that are profest enemies to the religiou[n].

6. He is content now, or heirafter, to satififie for his apostasie, in the place appointit, at the discretiou[n] of the saids Commissioners ; and then to ratifie the forsaids premisses.

7. He declares his vnfained greife for the slaughter of the Erle of Murray, and will satififie the pairtie at the pleasure of the Kings Majestie, the Kirk, or of godlie and indifferent freinds, will make offers to that effect ; lykeas he hes given a blank to his Majestie to be fillit vp with particular aslythment, and that after his abolutioun.

8. He promises now, or heirafter, to crave of God mercie for the faid slaughter, quhen, quher, or how the Kirks Commissioners fall appoint.

9. At the defyre of the saids Commissioners, he presentlie remitts all rancour and malice conceivit be him, for any occaſioun or deid offerit to him be the countreymen in the Kings service ; and promitts, vpon his fidelitie, nevir to quarrell any for the fame that are within thir bounds, and speciallie none of the Ministrie either north or south.

10. He aggries, that at the ficht of the Ministers Mrs David Cunigham, Alexander Dowglas, George Glaidstanees, and of his freinds Pitlurge, Clunie fall fett downe ane ordour for provisioun of his kirks, quhilk he promises to execute immediatlie after his abolutioun.

11. Be advyee of the saids Commissioners, he promitts to take a Minister, and intertwine him in his awin houſe.

12. He confesses, that be his publiek offences he gave sufficient matter to the Kirk to have deduceit the fentence of excommunicatioun aganis him.

Sic subseribitur,

HUNTLIE.

### The Erle of Errolls answers to the Articles.

1. The first is obeyit : For he having sufficientlie excuseit his absence fra the first dyett, the 27 of Marche, came to Aberdein, the fyft of Aprile, quher the Commissioners appointit him to resort to Aberdein, about the 20 day of Apryle, to have conference with such of thair number as they appointit to meit him ther ; quhilk he did, eomeing in the towne the 20 of

Apryle, and ther abode, resorting to publick doctrine and conference till the Commissioners were satifisfied with his resolutioun ; and so the conference was endit.

2. The brethren appointit to deale with him, after long reasoning, brocht him to confesse the veritie and whole grounds of religiou affirmatiue, refolvit his doubts be the Word of God, and ancient Doctours ; and movit him, with knowledge, to refuse all heids of error in Papistrie, contrair to the same.

3. He acknowledgis the reformat Kirk of Scotland to be the true Kirk. He is ready to joyne himselfe therto, and professe himselfe a member therof ; will heare the Word, obey the same be the grace of God, participat the sacraments ; and obey the haill discipline of the Kirk, as it is acknowledgit presentlie be the Kings Majestie and Estates.

4. He solemnlie promises and offers his wrytin band, that lykeas, sen his promise, and entring in conference with the Kirk, he never intercommunit with Jesuits, Preists, or excommunicat persons, except sick as are dealing with the Kirk, swa to keip in all tymes comeing ; and that he fall banisch out of his companie and bounds all Jesuites, Priests ; and fall expell therfra all excommunicat Papists, except sick as fall have licence fra the Kirk and Kings Majestie ; and, finallie, that none fall have receipt in his bounds that are profest enemies to the Kirk, be his knowledge.

5. He is readie to sware and subscribe the Confession of Faith, in presence of the haill Commissioners, so soon as they fall come back from the nixt Generall Assemblie, with power to pronounce his absoluutioun.

6. He is content to satifisfie for his apostacie in the place appointit, and ther to ratifie the forsaids premisses.

7. At the desyre of the iuids Commissioners, he presentlie remitts all rankour and malice conceivit be him, for any occasioun or deid offerit to him be the countrey men in the Kings service ; and promitts, vpon his fidelitie, never to quarrell any for the same, specially none of the Ministrie, south or north.

8. He aggries, that such as of the Ministrie falbe appointit, with such freinds [as he fall appoint,] sett downe quhat fall be his part for planting of the kirks within his bounds ; quhilk he promises to execute after his absoluutioun.

9. Be the adyyee of the Commissioners, he is content to take a Minister, and intertwine him in his houle.

10. He confesses, that he gave sufficient matter to the Kirk to denunce the sentence of excommunication aganis him. Sic subscribit,

ERROLL.

The Erle of Angus ansuers to the Articles.

1. He being callit befor vs, it was injoynit to him to remaine at Barras in the parochin of Kynneff, and ther awaite vpon the heiring of the doctrine in that his paroch kirk ; and vpon conference at such tymes [and places] as was appointit in Conveth and Aberbuthnot kirks ; quhilk he hes faithfullie keipit and observit untill his resolutiouen was obteinit.

2. After we had reasounit and conferrit with him in many of the contravertit heids of religioun, be the Scriptures, and ancient Doctours, he satifified vs affirmativē and negativē.

3. He acknowledgit the Kirk of Scotland to be the true Kirk, and is ready to joyne himselfe therto, and professe him to be a member thereof, will heare the Word, participat the sacraments, and obey the haill discipline of the Kirk, as it is allowit prefentlie be his Majestie and Estates.

4. He folemnlie promises be his word and wrytin band, to remove foorth of his haill companie and bounds, Jesuites and excommunicat persons ; lykeas he hes done since the Commisioners nominat thir articles to him.

5. He defyres the Commissioners to get a power to absolve him, and immediately thereafter, he fall sweare and subscrive the Confessioun of Faith.

6. He is content to satifie for his apostacie in his awin paroch kirk, and ther to ratifie his forfaid promises.

7. He vnderstands none of the countrey to have incurrit his wrath or deadly feid for perfewing him in his Majesties service, quhilk he protests befor God ; that he nevir meanit to harme any man for giving obedience to his Majesties lawis, quhilk if he had done, he fould rather have made mends nor [have] forgivin ; and if any in particular will complaine, he will satifie this article, albeit, in very truelth, as all the countrey knowis, he hes sustained great los, quhilk he hes the Kirk to meane, in most humble manner, to his Majestie, as the Commissioners will declare at more length.

8. He is content at the ficht of the Commissioners, and his best advyfit freinds, to provyde stipends for his kirks, how foone he falbe absolvit and resforeit to his living.

9. He will most willingly take a Minister and intertwine him at his awin houſe, be the advyce of the Commissioners.

10. He conſefſes, that he deferwed to be excommunicat.

Sic ſubſcribitur,  
ANGUS.

The quhilk report made be the faids Commissioners, in diſcharging of thair forſaid commiſſioun, the Generall Asſemblie preſentlie conveinit, ratifies and allowis, as aggrieable and anſuerable to the ordinance of the laſt Asſemblie, heldin at Perth, in all poyns: and therfor ordaines the faids Commissioners reſpectivē, to proceid farther with the faids Erles in the faid matter, and to receive a ſatiſfaction of ſick things as are promifed be them in the faids conditions, and to crave the preſent accomplishment therof, ſo farre as poſſiblie can be done. They are to ſay,

That as they, in thair anſuer, hes allowit and ſubſcryvit, fa that they preſentlie confeſſe the veritie of the haill grounds of our religioun affirmaſiū; and with ſome meaſure of knowledge, refufe and deteſt all heids of Papistrie, contrair to the fame.

That they acknowledge the Reformat Kirk of Scotland to be the true Kirk; that they effaldlie joyne themſelves, and acknowledge themſelves members therof, ſubmitting them to the fame; and falbe readie, at all occaſions, to heare the Word, and obey the fame, participat the sacraments, and obey the haill discipline of the Kirk, as it is allowit be his Majeftie and Estates.

That, befor thair abſolution, they ſweare ſolemnlie and ſubſcribe the Confeſſioun of the Faith, in preſence of the haill Commissioners.

That as they have teſtified be thair writt, even ſo to be thair band they promife to remove out of thair compagnie, in all tyme comeing, all Jefuites, Preifts, and excommunicat Papifts, except ſick as falbe licentiat be the Kirk

That, at the time of thair abſolution, they ſatisfie in moſt humble manner in the kirks of Aberdein and                  for thair former apostacie, and ther ratifie theſe thair promises in moſt ſolemne manner.

That the Erle of Huntlie, befor his abſolution, afk God mercie for the Erle of Murrays flaughter, and declare his penitence for the fame.

And because thair Lordſhips hes promifed never to quarrell any Gentlemen of the country, that hes perſewit or vtherwayes troublē them, and

therby incurrit thair wrath in his Majesties service, and at his Hienes commandement : Therfor, to the effect the fruities therof may more evidently appeir, that thair Lordships faithfullie promise, that lykeas thair sonnes hes already obtainit, or at the leift is to obtaine of his Majestie, of frie grace and meere donationum, the gift of thair fairfaultries ; evin so the gentlemen in the countrey, that are vassalls to them, and hes incurrit the lyke [sentence of] fairfaltour, and perillit thair lands, not through thair awin evill demerit, bot be reason they were vassalls to them, may receive and obtaine of thair Lordships, the lyke grace as is impairtit vnto them be thair Sovereaigne : and as his Majestie grantit a benefite to them, who had offendit, evin so thair Lordships vassalls be not trublit for any compofitioun of thair lands, quhilk, not be thair fault, bot throw thair Lordships failzie, were in-dangerit and holdin in none entrie ; and that thair Lordships renew the promise of remitting all rancour and malice of heart against the faid gentlemen.

And as to the provisioun of Kirks quhilk pertaines to [ilk ane of] the faid Erles respectivé, that [they, at] the advyce of thair best affectionat freinds and the faids Commissioners, sett downe ane folid ordour, how the Ministrie may be plantit and honestlie sustaintit at the fame ; quhilk they fall ratifie and approve, and put in executioun immediatelie after thair absoluтиoun.

That, be the advyce of the Commissioners, they make choise of a Minister, quho falbe intertainit in thair houſe for instrncting of the fame.

That they renew the confessioun of thair sins, acknowledging that they were justlie excommunicat for the fame.

And to the effect that all flander may be removit from the Erle of Huntlie, and fpeciallie that quhilk did arise vpon the slaughter of Mr William Mure, quhilk was committit dureing his Lordships remaining in Aberdein, that his Lordship provyde sick remeid, that the poore woman, mother to the faid Mr Willian, may be satisfied ; and sick affythment made, alswaill for him as her husbands slaughter, as the Commissioners fall think expedient.

With power to the faids Commissioners, after the accomplishment of the premisses, to absolve the faids Erles from the fentence of excommunicatioun, and receive them again in the bosome of the Kirk.

Sessio 7<sup>a</sup>. 14 Maij.

Anent the Articles givin in be his Majestie in the last Assemblie haldin at Perth, the decisioun and ansuering quherof was referrit be the said Assemblie, to be reasounit and intreatit be certaine Commissioners, and therafter to be concludit in this Assemblie ; and anent the declaratioun of certaine acts made in the said Assemblie haldin at Perth, for satiffacioun of such as were not present at that tyme, nor acquaintit therwith : The saids articles and questions being reasounit and vottit in face of the haill Assemblie, his Majestie being present for the tyme, these declaratiouns and conclusiouns after following were sett downe and concludit be the said Assemblie, as followis.

Notes in forme of declaratioun of certaine of the Acts made in the Generall Assemblie haldin at Perth in Februar last by past, for explaining of his Majesties and the Assemblies meaning, for the satiffacioun of such as then were not acquaint therwith : quhilk are ordainit to be registrat in the Acts of this present Assemblie.

Firft, Anent the lawfulness of the said Assemblie haldin at Perth : It is declairit be this present Assemblie, that one of the reasons moving the brethren to acknowledge the lawfulness of the said Assemblie, was found to have bein, that the Commissioners of the Kirk accordit with his Majestie theranent, as is expreflie sett doun in his Majesties letter.

Item, The reasoun moving the Assembly to grant the more willinglie to the 2 Article concerning the reproving of his Majesties laws, was this ; his Majesties earnest and constant affectioun to the religioun, and obedience to the Word, was evidentlie knawin to the haill Assemblie ; and that it was his Majesties declarit will and intentioun, alwayes to frame his laws and whole government according to the same ; for the quhilk causes the Assemblie aggriedit to the said artiele.

Anent the Article ordaining that no mans name be exprest in pulpitt, except in notorious crymes, &c. : The point of notorietie is farder defyned, [If the cryme] be so manifest and knowin to the world, ut nulla tergivervatione celari poslit.

Anent the Article ordaining, that no convention of Pastours be without

his Majesties knowledge and consent: His Majesties consent is declarit to be extendit to all and quhatfoevir forme either of Generall [Affembly,] or speciall Synodall, permittit and authorizit be his Hienes lawis, according as they have warrand in the Word of God, as being the most authentick forme of consent that any king can give.

Anent the Article concerning provisioun of Paftours to burrowes: It is declarit that the reason therof was and is, that his Majestie was content, and promised, that quher the Generall Affemblie finds it necessar to place any person or perfons in any of the faids townes, his Majestie and the flock fall either give thair consent therto; or els a fufficent reaon of the refuifall to be proponit either to the haill Affemblie, or to a competent number of the Commissioners therof, as his Majestie fall think expedient.

Ansuers to the rest of his Majesties Questiouns, according as they were proponit be his Hienes and his Commissioners in the prefent Affemblie.

Firft, Anent the propositioun movit be his Majestie to the Affemblie, craving that befor the conclusioun of any weghtie matters concerning the eftate of his Hienes or of his subiects, his Majesties advyce and approbatiou be cravit therto, that the fame being approuit be his Majestie, may have the better executioun, and, if neid beis, be authorizit be his Hienes lawis: The Affemblie craves moft humblie, that his Majestie, either be himfelfe or his Hienes Commissioners, in matters concerning his Majesties eftate, or the haill eftate of his subiects, and vthers of great wecht and importance, that hes not bein treattit of before, wald give his advyce and approbatiou therto, before any finall conclusioun of the fame: and, for the better obedience to be given to such lyke flatutes in all tyme comeing, that his Majestie wald ratifie the fame, either be ac<sup>t</sup> of his Hienes Parliament, or Secret Counsell, as falbe thocht neidfull: The quhilk his Majestie promised to doe, according to his Hienes propositioun, quhilk was acceptit and allowit of the haill Affemblie.

The Affemblie ordaines, that there be ane vniformitie in the ordinatioun of the Ministrie throughout the haill countrey, impositioun of hands; and that they be admittit to certaine flocks, vpon the quhilk they falbe affrichted to attend, according to the Ac<sup>t</sup>s of the Affemblyes made of befor; and ordaines that none, that are admittit to the Ministrie, be promovit to teach

in publick and great rowmes, except vpon very vrgent necessitie, in defect of actuall Ministers, they be ordainit to supply sick wants be the Presbytries, Synodall or Generall Assemblies, quho fall tak diligent ordour that they keip themselves within the bounds of thair gift, and speciallie in application.

That no Pastour exercise any jurisdictioun, either in making of constitutions, or leading of processes, without the advyce and concurrence of Sessioun, Presbytrie, Provinciall or Generall Assemblye.

That all Sessiouns be electit with consent of thair awin congregatioun.

That all Sessiouns, Presbytries, and Provincials, vse sick forme in all thair processes as may be found lauffull and formall, and able to abyde tryall; the quhilke shall be registrat in matters of importance: and, to that effect, ordaines the procedings of privat Sessiouns to be fightit at Presbytries; and the procedings of Presbytries at Provinciall Assemblies; and the procedings of the Provinciall at Generall Assemblies.

The Assembly ordaines, that in the exercises, quhen the Ministers are conveinient at thair Presbytries, no application be vised.

That in the determinatioun of matters of importance, quher the votis shall be only different [vpon] two or thrie, that nothing be concludit therin till better resolutioun; and that, in such difference, he that gives the negative with his vote, fall give rationem negandi.

The Assembly ordaines the Presbytries to meddle with nothing in thair judicatour, quhilke fall not be found, but contraversie, proper to the Ecclesiastick judgement; and that heirin ane vuniformtie be keipit throughout the haill countrey.

That all processes and acts be extractit to parties having interefes, quher is ane wrytin processe.

The Assembly superfeids to anfuer the article tuiching summar excommunication quhill the nxxt Generall Assembly; and in the meane tyme fuspends all summar excommunication: alwayes, in great crymes, the Assembly ordaines a public intimation therof to be made, and the committer therof to be fuspedit a facris, and prohibited a privato convictu.

If any Presbytric shall be his Majesties missive to stay the proceeding of any thing prejudicall to the civill jurisdictioun or privat mens rights, It is ordainit, that the said Presbytrie fall desist in the said matter, vntill they send to his Majestie for satissacioun theranent.

Sessio 8<sup>a</sup>. 16 Maij.

Because fundrie flanders rises, through the diffordour of reidears, be baptizing of bairnes gottin in adulterie and fornicatioun, befor satiffactioun made by the offenders ; and celebrating of vnlawfull marriages : The Assemblie statutes and ordaines, that no Reidar minister the sacrament of baptismc in any way, in all tymes coming ; and that they presume not to celebrate the bands of marriage without speciall command of the Minister of the Kirk ; and in cace ther be no Minister therat, of the Presbytrie, had to that effect : and ordaines every Presbytrie to cause this aet to be intimat at every paroch kirk, that none pretend ignorance heirof in any tyme coming.

Sessio 9<sup>a</sup>. 16 Maij.

The quhilc day, in presence of the haill Assemblie, the Kings Majestie being personally present, declarit, that [feeing,] through the shortnes of tyme, ther were fundrie matters of weght and importance, not only concerning particular flocks, bot quhilc did in speciaill tuitch the haill estate and body of the Kirk, quhilc could not be commodioullie intreatit and concludit in this present Assemblie ; as namelie, twitching both the planting of particular congregatiouns and of the haill kirks within this realme, quhilks as yet, through the default of honest entertainment, remaine vngplantit and destitute of the comfort of the Word ; and anent ane solid ordour to be takin anent a constant and perpetuall provision for the sustentatioun of the haill Ministrie within this realme, to the end they be not, as in tymes bygane, to depend and awaite vpon the Commillioners appointit for modifieing of their stipends, and so be forcit to absent themselfes the most part of the geir from thair flock, to the great disgrace of thair calling, dishearting of thair congregatioun, and discontentment of his Majestie, whose care ever hes bein, and earnest desyre continues as yet, that every congregatioun have a speciaill Pastour honestlly sustainit, for the better awaiting on his cure, and dischargeing of his duetiefull office in the same : and therfor his Majestie desyrit the brethren to consider, whither it were expedient that ane generall commillioun fould be grantit to certaine of the most wyse and discreit of the brethren, to conveine with his Majestie for

effectuating of the premisses : The quhilke his Majesties advyce the Affembly thinks very necessar and expedient ; and therefor hes given and grantit, lykeas, be the tenour heirof, they give thair full power and commissioun to the brethren vnderwrytin, viz. Mrs Alexander Dowglas, James Nicolstone, George Glaidstaines, Thomas Buchannan, Robert Rollock, Robert Pont, David Lindsay, Patrick Galloway, Johne Duncanstone, Patrick Sharp, Johne Porterfeild, James Melvill, William Couper, and Johne Claperton, or any sevin of them, to convene with his Majestie, betuixt the day of thir presents and the laft of May instant, [with power to them] to take solid ordour anent the provisioun of Ministers to the townes of Edinburgh, Dundie and Sanct Androes, his Majesties and the Princes houes ; to give thair advyce and opinioun to his Majestie, anent the planting of every particular kirk within this realme ; to make such overture as they can best devyse twiching the constant platt ; and generally to give thair advyce to his Majestie in all affaires concerning the weill of the Kirk, and entertainement of peace and obedience to his Majestie within this realme : with exaffe power and command to the saids Commissioners to propone to his Majestie the petitionis and greives, aswell of the Kirk in generall, as of every member therof in particular, promitten de rato.

Anent the supplicatioun givin in be Mr John Rutherford, makand mention, that quher in the Generall Affembly laft bypast haldin at Perth, he gave in ane supplicatioun, quherin he defyrity the proces of deprivation [led and] deduceit aganis him be the Prelbytrie of Sanct Androes, to be producitet before the saud Affembly, to the effect the same might be tryit, and the proceedings thereof examinit be them, the quhilke was referrit be them at that tyme to this present Affembly, ordaining the saud Prelbytrie of Sanct Androes to produce the saud proces befor this present Affembly, and to answer to the complaint givin in be the saud complainer, defyrand therefor the brethren of the Prelbytrie of Sanct Androes to be callit for producetioun of the saud proces, to the effect the samein might be fein and considerit be this present Affembly, according to the ordinance made at Perth, as said is : The Generall Affembly, in respect of shortnes of tyme, remitts the saud complainer and his supplicatioun to the Commissioners appointed to conveine with his Majestie at Edinburgh, and ordaines the Prelbytrie of Sanct Androes to produce the saud proceffe befor the saids Commissioners, and the answer to the saud complainers supplicatioun in all points ; with power to the saids Commissioners, or any sevin of them, to

take full tryall, cognitioun, and finallie to conclude in the faid matter, promitten de rato.

Sessio vltima. 17 Maij.

Anent the supplicatioun givin in be James Wood, appeirand of Bonytoun, makand mentioune, that, according to the direction of the last Assembley holdin at Perth, he had attendit vpon the Commisioners appointit be the faid Assembley, and had aggrieved, be thair conference, in many heids of religioun with them ; defyreand therfor, as he is willing to persevere in conference with the saids Commissioners to his finall resolutioun, that a commissioun may be grantit to the brethren appointit for dealing with the Erles of Huntlie and Errol, to continue in conference with the faid complainer ; and in eace they find him resolvit, to absolve him from the sentence of excommunicatioun, and receive him againe in the bofome of the Kirk : as also that the Commisioners of Angus appointit for the faid purpose, may have a speciall command to intreat with the faid complainers father, for appealing his wrath towards him, in respect he is content to submitt himselfe most humblie to his faid father, or to the Kirk, for satiffaictioun of any eyelifts that he or they hes found in him in tymes bypast : The Assembley gives full power and commissioun to the brethren appointit for receiving the Erles of Huntlie and Erroll, to enter in farther conference and tryall with James Wood, appeirand of Bonytoun : and in eace of full satiffaictioun to be made be him to the saids Commissioners, in such heids and articles quherin he hes not as yet satifified, the Assembley gives vnto them power to absolve him from the sentence of excommunicatioun, and receive him againe within the bofome of the Kirk. Attour, the Assembley ordaines Mrs George Gladstanes, Andro Mylne, Andro Leich, Johne Ramsay, and Andro Lamb, to deale with the Laird of Bonytoun, and travell in the reconciliatioun defyrit and satiffaictioun offerit be the faid complainer his sonne.

Anent the supplicatioun given in be Mr William Murray, Minister at Dysart, making mentioune, that quher he hes livit vpon the duetie of the tak of the Personage thir diverse geirs bygane, being only thrie hundred merks, and sustainteth great charges therupon ; and now seing the saids taks are outrunne, and he is informit that diverse supplications are givin

in be the gentlemen of the said parochin, craveand the said complainer [to be asrichted] to sett them taks of thair awin teinds respectivé; defyre and therfor not to asricht the said complainer to any particular persons, bot to give him power to fett taks to sick as fall doe most commodiouſlie for the weill of the Kirk: The Assemblie gives power to the said complainer to fett in tak the teinds of the Perfonge of Dyfart, except of the lands pertaining to the Lairds of Glennagies and Wachtoun, refervit be ane vther act of this Assemblie, with advyce and consent of the Presbytrie of Kirkcaldie, and of the brethren after following, viz. Mrs Thomas Buchannan, William Cranſtoun, James Melvill, Robert Wilkie, David Fergufone, and Johne Fairfull; vnto the quhilks the Assemblie remits the supplicatioun of such as craves tackis of the teinds of the said Perfonge.

Anent the Erle of Craufurds request, defyreand licence to a person of Inneraritic to fett a tack of the teinds therof, in eace it be found be the civil Judge that he hes beſt right thereto: The Generall Assemblie gives power to the Commissioners appointit to conveine in Edenburgh with his Majestie, to give power to the perfon that falbe preſentit, to fett taks of the teinds controvertit to either my Lord Craufurd, or the Laird Purie Fothringhamme, that falbe found be civil magistrate to have beſt right to the fame.

Thanks being given to God, the brethren ordaines the nixt Assemblie to be haldin at Striveling, the first Tuesday of May 1598.

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Here followeth the tenour of a Mislive sent by the Commissioners of the General Assembly to the Prelbyteries.

[Grace and peace from God the Father of our Lord Jefus Christ.

Beloved brethren, as we have found continuance of mercy in flaying the defolation, which was already beginn, according to many threatenings against the contempt of this land; so wee fee, through the lack of due consideration and foresight in such as principaly shoulde have the moſt tender care of this work, and partly through the ſubtile wayes of diſembling friends, good occasions are likely to be turned to our hurt, unleſs remed

be wisely provided in tyme : For this cause wee have thought it needfull, and by consent of his Majestie concluded, that the General Assembly, which was ordained to be in May, should hold the first Tuesday of March next at Dundie, for preventing of inconveniences, that delay of tyme might draw to further evil, and for taking of solid resolution in such things as are necessary to be deliberat upon, concerning the Kirks vote in Parliament, and some other necessary points ; whereanent, for your better information, wee have thought expedient to acquaint you with the effect of our travells here at this tyme.

According as it has been the continual custome of the Kirk at Parliaments to crave such things as were found necessary to passe in lawes for their well and priviledges ; so with advice of diverse Commissioners of Presbyteries, wee found it requisite to insist in such articles as have been craved be the Kirk at Parliaments in tymes bypast ; and namely wee urged the article anent the Kirks vote in Parliament, and the article anent the univerfal provision of the whole Kirk with stipends. In both wee found great opposition be the far greatest part of the Lords : but the Kings Majestie conveyed our fuits with such wisdom and dexterity in our favours, that in end, after many hard answers, his Majestie procured, that he might dispone the whole great benefices to Ministers ; and that such Ministers as should be admitted thereto, should have vote, but prejudice alwayes to the present discipline and jurisdiction of the Kirk in any point ; as ye will understand be the act itself, whereof we have sent you here a copy, which his Majestie thinks shall be a mean, in short tyme, to vindicate the Ministry from their present contempt and poverty ; and this is already perceived be many to their grief, who fear their hurt in our credit. For this cause we have been earnestly requested by fundry of the wisest of all Estates, who most favour the good cause, that without scruple we should accept this good occasion. The which point of present acceptation was urged be the Lords so straitly, that unles we wold give our consent thereto presently, in name of the Kirk, they wold not suffer the foresaid act to passe in our favours ; yet his Majestie was so favourable towards us, and so carefull to save our credit, and eschew offence, that, be his moyen, all is reserved free to this Assembly for our part : Therefore we beseech you, Brethren, to have a regard hereof with such wisdom and care as is necessary in a matter of so great importance, and send in commission to the said Assembly, the most wise, grave, and of best credit and experience among you, so far as

infirmitie and age may suffer; that good occasion may be used at this tyme, as that the good may be taken without any hurt, so far as is possible.

Anent the Platt and provision of stipends at every Kirk, commission is given to a number of Lords and Ministers, who are to essay that work with all diligence, and to crave your farther help in the information anent the estate of the kirks: which therefore ye shall take paines to have in readiness, as ye shall be required upon the next advertisement.

The Lord direct you in all sincerity and wisdom, that ye may find a blessing upon your labours alwayes.

From Edinburgh the 22 day of December 1597.

Your Brethren and fellow labourers, the Commissioners of the General Assembly, and in their name and command Mr Robert Rollock, Moderator of the General Assembly. C.]

#### Tenour of the Act of Parliament.

In Parlamento apud Edinburgh, 13<sup>th</sup> Decembris A. D. MDXCVII.

Our Soverain Lord, and his Hienesse Estaites in Parliament, havand speciall consideration and regairde of the great priviledges and immunitiess granted bee his Hienesse predecessoures of maist worthie memorie to the halie Kirk within this realme; and to the speciall perfones exercising the offices, titles, and dignities of Prelacies within the famin: qubilkis perfones hes ever representened ane of the Estaites of this realme, in all Conventiones of the faidis Estaites; and that the faidis priviledges and freedomes hes bene from time to time renewed and confersved in the same integritie and condition, quhairin they were at ony time of before; swa that his Majestie acknowledging the famin now to be fallen, and becummin vnder his Majesties maist favourable protection: Therefore his Majestie, of his greate zeale, and singular affection, qubilk hee alwaies hes to the advancement of the trew religion professed within this realme, with advise and consent of his Hienesse Estaites, statutis, decernis, and declaris, that the Kirk within this realme, quhairin the famin religion is professed, is the trew and halie Kirk; and that sick Pastoures and Ministers within the famin, as at ony time his Majestie fall please to provide to the office, place, title, and dignitie of ane Bishop, Abbot, or vther Prelate, fall at all time hereafter

haue vote in Parliament, fiklike and als freelie as ony vther Ecclesiasticall Prelate had at ony time bygane : And als declaris, that all and quhatsum-ever Bisshopprickes presentlie vaikand in his Hienesse handes, quhilkis as git ar vndisponed to ony person, or quhilkis fall happen at ony time hereafter to vaik, falbe onelie disponed be his Majestie to actual Preachers and Ministers in the Kirk ; or to fik vthers personnes as falbe foundin apt and qualified to vse and exercise the office and function of ane Minister and Preacher ; and quha in their provisiones to the said Bisshopprickes, fal accept in and vpon them to be actual Pastoures and Ministers ; and according thereto fall practice and exerce the famin thereafter.

Item, As concerning the office of the faidis personnes to be provided to the faidis Bisshopricks in their spirituall policie and governement in the Kirk, the Estaites of Parliament hes remitted, and remittis the famin to the Kingis Majestie, to be advised, consulted, and agreed vpon be his Hienesse with the General Assembly of the Ministers, at fik times as his Majestie fall thinke expedient to treat with them thereupon ; but prejudice alwaies in the meane time of the jurisdiction and discipline of the Kirk establisched be actes of Parliament, maid in onie time preceeding, and permitted be the faidis actes to all Generall and Provincial Assemblyes, and vthers quhatsum-ever Presbyteries and Selliones of the Kirk.

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A. D. M.D.XCVII.

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The Generall Assemblie of the Kirk of Scotland, haldin at Dundie  
the 7 day of Marche 1597. In the quhilk were conveinit the Kings  
Majestie and Commissioners from all Shyres and Townes of the  
countrey.

Seslio 1<sup>a</sup> 7 Martij. Post meridiem.

Exhortatioun beeand made be Mr Robert Rollock, Moderatour of the  
last Assemblie, ther was appointit vpon the leits, Mrs Patrick Simfone,  
David Fergufone, Peter Blackburne, James Robertsone, and Robert Wil-  
kie; and be the pluralitie of votes, Mr Peter Blackburne was ele<sup>c</sup>tit Mo-  
deratour hac vice.

Seslio 2<sup>a</sup>. 8 Martij.

Anent the Commisshoun given to certain brethren of the North, for the  
abfolvynge of the Erles of Angus, Huntlie, and Erroll, from the fentence of  
excommunicatioun: The Assemblie ordaines Mr Peter Blackburne, in name  
of the reft, to give in in wryte, the haill forme of thair abfolutioun, and  
fatiffactioun to the articles injoyned to them in the last Assemblie, to the  
effe<sup>t</sup> the same may be registrat in the Bookes of the Assemblie.

Sessio 3<sup>a</sup>. Eodem die.

Because there is no accompt tane of the acts of every Provinciall Assemblie ; therefore it is flatute and ordainit, that, in all tymes coming, every Provinciall Assembly within this realme send the acts of thair Synod made sen the Generall Assemblie immediatlie preceeding, with thair Commissioners direct be them to the next Generall Assemblie, to the effect the brethren of the Generall Assemblie may take tryall and cognitioun, that the proceedings of every Synod be done decenter et ordine, and so allow or disallow of them as they [fall] think meitt ; and this ordour to begin at the nixt Generall Assemblie.

Item, Because it was meinit be some of the brethren, and found fault with, that such as vies to be appointit Commissioners from the Synodalls to the General Assemblie, but any reasonable cause, refuse to obey and accept thair commissioun, quherthrow it falls out oftentimes, that at the Generall Assemblie ther inkates Commissioners from some Synods : Heirfor it is flatute and ordainit, that every Synod fall choose out them that falbe thought most meit to come as Commissioners to the Generall Assemblie, who fall remaine to the last day of the Assemblie inclusivé : and to the effect they may pretend no reasonable cause in the contrair, and speciallie of povertie, therefor it is flatute and ordainit, that in case the Commissioners that are chosen may not commodiouſlie awaite vpon the Assemblie vpon thair awin expensis, then and in that case, the rest of the quhilke number he is chosin fall contribute to his expensis, according to the abilitie of thair livings, vnder the paine of the tinsell of the tenth part of thair stipends ; quhilke Commissioners beand fa furnischt be ane commoun contributioun, as faid is, he fall repaire to the Generall Assemblie, and remaine vnto the finall end therof, vnder the paine of the tinsell of the tenth part of his awin stipend : And in case either the Commissioner or the brethren of his Synodall, through not obeying every ane thair proceſſe of the premisses respectivé, incurreing the danger of the penalties above rehearſit, and get refusing to make payment of the faids penalties, viz. of the tenth part of thair stipends, then and in that case, they falbe suspedit from thair calling and functioun, ay and quhill they satifſie the fame.

Anent the summounds raisit at the instance of the Synodall of Fyffe against Andro Arnot, Minister of Scotlandwell, craveand the faid Andro,

conforme to his promise, to mak provisioun for the kirk of Auchtermoonie, ane of the kirks of the said Ministrie: The said Andro being callit, compeirit and declarit, that he promised to make sufficient provisioun for the said kirk, provyding alwayes he were resolvit of the payment of his thrid, quhilk he payes prefentlie to Mr Robert Inchaw; quhilk promise he prefentlie ratifid, and band himselfe to make provisioun for the said kirk of Auchtermoonie immediatly after the dissolving of the Assemblie, he being releivit of the payment of the thrid, as said is.

Sessio 4<sup>a</sup>. 9 Martij.

[The Synod of Lothian gave in their grieves against the Commissioners of the Generall Assembly, whereupon was made this ordinance following. C.]

The Commissioners appointit in the last Generall Assembly for planting of the townes of Edinburgh, Dundie, and Sanct Androes, and such vther affaires, as at mair lenth is conteinit in the said commissioun, and callit to give ane accompnt of sick things as had bein done be them be vertue of thair commissioun forsaide, Mr James Nicolson, in name of the rest, produceit a booke containing a whole register of thair whole proeels and procedings since the acceptatioun of the said commissioun, quhilk was publickle red in prefence and audience of the haill Assembly: And becaule ther was some of the brethren that thought themselves greivit at certaine of thair proeceedings, therfor it was thocht expedient that the brethren after following fould cognosce vpon the faids grieves and Commissioners ansuers thereto, quhilk both should be givin in in one wryte besor them, and therafter report to the haill Assembly quhat they fand therin: They are to fay, Mrs George Monro, James Dundas, Robert Howie, Duncane Davidstone, William Dowglas, Andro Mylne, Andro Lamb, James Robertson, William Rynd, Archibald Monereiff, Alexander Lindlay, David Fergufone, William Cranftoun, David Spence, Robert Wilkie, John Knox, Gawin Hamiltoun, Johne Hall, Johne Spotifwood, Patrick Symfone, Robert Darroch, Haric Levingloun, David Barcklay, Hew Fullertoun, and Johne Welsch.

Greives to be proponit to his Majestie.

First, To crave of his Majestie ane releife of this present taxatioun to sick of the Ministrie as possesseſſes ſmall benefices within iij<sup>c</sup> marks, ſeing they are not able to be fuſtaint vpon the fame.

2. To crave in generall for the baill miniftrie, that they be not troublit with the taxatioun in no tyme coming; bot that the officiaſſes that ingathers the fame, charge the takſmen immediatlie quho are bund to relieve the Miniftrie of their taxatioun; because ſo long as the Ministers charges thair takſmen, not only it averts them from thair calling, but alſo breids a grudge betuixt them and thair parochiniers.

3. To crave a redrefſe of the abuse of the buriall, that ane aet of Parliament may be made, diſcharging burials in kirks.

4. To crave ane redrefſe anent adulterous marriages, quher two perſons, both divorcit for adulterie committit either with vther, craves the beneſſe of the Kirk to be joynit in marriage.

5. To crave his Majefſie, quhat ordour falbe tane anent the relaxatioun of ſuch murtherers from excommunicatioun as are alreadie relaxit from the horne, and get hes not fatiſſed the partie, quhilk is a tokin of no penitencie.

6. To advyce with his Majefſie, if the carieing of profeft witches from towne to towne, to try witchcraft in vthers, be laufull ordinar tryall of witchcraft, or nocht.

7. Anent the laik patronages: To lament unto his Majellie the great abuse quhilk the late aet of Parliament hes brocht in giving licence to the patrone to poſſeſſe the fruits of the benefice, in eace he preſent a qualified man, and the fame be not admitted be the Kirk; vnder colour quheroſſe they vfe to preſent ane qualified man to the Prelbytrie, and hes him fworne to fett back a tack of the fruits of the benefice to the patrone: quhervpon, albeit the perſon preſentit be qualified, get the Kirk cannot admitt him, in reſpect of the impediment forſaid, quherthrow both the patrone vplifts [the fruiſts of] the benefice, and the Kirk lyſes deſtitute; therfor to crave redrefſe of the fame.

Sessio 5<sup>a</sup>. Eodem die.

Anent the greives givin in to his Majestie befor noone, his Majestie being present gave his answaris as followes :

To the first and second : His Majestie desyrit the Commissioners to be deput from this Assembly, to give in ane supplicatioun to the Counsell, anent the same, quihervnto his Majestie shold hold hand ; and in the mean tyme promised to cause stey all farther executioun agaist sick of the Ministrarie as were at the Assembly presentlie, quhill the 15 of Apryle nixt to come.

Anent burials : His Majestie thocht good that ane supplicatioun shold be givin in to the nixt Parliament, craveand that, for avoyding of burials in kirks, every Nobleman shold bigge a sepulture for himselfe and his awin familie.

Anent adulterous marriages : His Majestie thocht good that ane supplicatioun shold be givin in to the nixt Parliament, craveand such marriages to be declarit null in all tyme coming, and the bairnes gottin therin to be bastards.

Anent murtherers : His Majestie declared, quhen any murtherer is relaxit from the horne, upon cautiou to vnderly the law, that he is not, therfor, simpliciter relaxit, bot to ane day to abyde tryall of his fault ; and therfor thinks that the Kirk may continue in thair censures aganis such a person, and deny him any benefite of the Kirk, vntill they sie evident tokins of repentance in him, the partie be fatifid, and therupon ane full remissioun obtainit.

Anent tryall of witchcraft : His Majestie declared, that, be ane act of the last Parliament, it is remittit to certaine of his Hienes Counsell, certaine Minifters and Advocates, to conclude vpon [a folid order] anent tryall of witches, and to advyce whither the forfaid carieing of witches is permiffive, [or not.]

Tuiching the qubilk, the Assembly ordainit Mr Patrick Galloway and John Duncanfone to hald his Majestie in remembrance.

Anent the abuse of laik patronages : His Majestie thocht good lykewayes, that ane supplicatioun shold be givin in to the nixt Parliament for redreſſing of the same.

Because it was reportit in the Assembly, that albeit fundrie persons were

convict of witchcraft, nevertheles, the civill Magistrat not only refusit to punish them, conforme to the lawes of the countrey, bot also, in contempt of the famein, settis the perfons at libertie, quihilk were convict of witchcraft : Therfor the Affemblie ordaines that, in all tyme coming, the Presbytrie proceid in all feveritie with thair censures aganis [all] fuch Magistrats as fall fet at libertie any perfon convict of witchcraft heirafter.

Item, Becaufe diverfe perfons, with ane preposterous hafte, hes proceidit to the band of Matrimonie, without any laufull proclamationoun of thair bands, quherthrow the ordinances of the Kirk are hielie contemnit : Therfor it is flatute and ordainit, that no perfons be couplit together in mariage, without they be thryfe laufullie proclaimit at thair awin paroch kirk, according to the confuetude observit within this realme : and in cace of contraveining of the fame, that the Minister be depryvit of his office ; and the parties ordainit to satiflie the Kirk be publick repentance.

Anent burialls : It is ordainit, that no pictures or images be caried about in burialls, vnder the paine of the censures of the Kirk.

Item, Becaufe it was regratit, that becaufe certaine of the Ministrie being beneficet perfons, hes fett taks and assedatiouns of the fruits of thair benefice, and therafter hes obtainit licence of transportationoun from thair kirk, so that the fame, be reafone of the taks set be them, remains continuallie vniplantit for lake of provisioun : Therfor it is flatute and ordainit, that, in tyme comeing, no Minister get licence of transportationoun from his Kirk, befor it be tryed, that he hes not hurt the benefice, from quibilk he wald be transportit, be setting tacks of the fruits of the fame ; and if the tacks, that were lett befor his entrie to the faid benefice, expyrit in his tyme, that he hes renewit no auld tack, but consent of the Generall Assemblie, and melioratioun of his benefice.

Item, Becaufe for lake of moyen, sundrie of the Ministers hes not as g̃it obteinit the designationoun of their manfes and gleibes, Therfor it is ordainit, that everie Minister, that is not g̃it posseſſt with his manfe and gleib, obtaine posſeſſion of the fame, betuixt and the nixt Assemblie : And in cace the person, in whose favours the designationoun is grantit, be not able, throw povertie, to awaite vpon the law for [obtaining] posſeſſionoun of the fame, that the rest of the brethren of his Presbytrie concurre and help him with expenſſes for obtaining of the fame.

Seffio 6<sup>a</sup>. 10 Martij. .

Anent the procedidings of the Commissioners appointit in the last Generall Assemblie, quhilk they did anent the planting of the Ministrie of Sanct Androes, and anent the examinatioun of the depositioun of Mr Johne Rutherford: The Assemblie ratifies, allowis, and approves thair procedidings therin.

And farther ordaines, for reasoneable caufes moving [them,] Mr Robert Wallace to be relaxit from the sentence of suspensioun from his Ministrie, pronuncit in thair decret against him, he satifcieand my Lord of Menmure, be the advyce of Mrs David Lindsay, Robert Bruce, and Robert Rollock, to the effect he may be placit to serve in fick parts, quher the Kirk fall think his travells to be best imployt.

As concerning Mr Johne Rutherfordis proces, and the rest of the things done in Sanct Androes be the laids Commissioners: Mrs David Black, Johne Carmiehaell, Robert Durie, Alexander Forsythe, and the rest of the brethren of the Presbytrie of Sanct Androes that were ther present, after reasoning of such things quherof they had not bein of before resolved, declared themselves satifified therin.

Because it was reportit be the Commissioners of the Generall Assemblie, that the constllant Platt for planting of every particular kirk, was hindred be the takfmen who hes the haill teinds in thair hands, and refuseth to confisck to any fubstantiall ordour anent the planting of the Ministrie, without some securitie were made vnto them anent the rest of thair teinds: Therfor the Assemblie thocht good to confidderquhat be the conditions cravitt be thair takfmen, in eace of augmentation of the duetie of thair tackis for sustentatioun of the Ministrie: To the quhilk it was ansuerit be the visitours of Murray and Aberdeine, that the taxmen defyrit ane perpetuitie of thair tacks, be renewing therof at thair outruning without gressom: [Mernes offered presently to augment in viiectual, upon condition that the tacks be renewed at the outrunning therof, for a liquidat summe, in name of gressom:] The lyke offerit Angus: Clidsdaill, Galloway, Lauthian, and Fyfe, wald make no offer.

Upon consideration quherof, the brethren defyrit his Majestie that ane law might be made anent the augmentation of the duetie of the tackis for sustentatioun of the Ministrie: To the quhilk his Majestie offerit willingly

to deale with the taksmen in such fort, that they fould be forcit to augment the duetie of thair tackis to a reasonable and competent living for ane Minister at every kirk, vpon condicoun they had some reasonable easse of thair teinds. And for effectuacg therof, the Assemblie ordaines every Minister to give in a particular overture in wryte to the Commissioners qubilk falbe appointit be the Generall Assemblie, [and information,] quhat is the juill valour of the teinds of his paroch ; to quhom they are fett ; for quhat duetie ; to quhom the duetie is payit ; and quhat better every ane can give for planting his awin kirk ; to the effect his Majestie, with advyce of the faid Commissioners, may take ane solid ordour anent the sufficient planting of every particular kirk betuixt and the nixt Generall Assemblie.

Sellio 7<sup>a</sup>. Eodem die.

The brethren appointit to try the proceidings of the Commissioners of the last Assemblie, and the greives givin in against the same, with the Commissioners answers thereto, declairit, that they had confidderit the haill grieves givin in be the Synodall of Lauthiane, and the Commissioners answers made to the same ; and that they thocht it expedient, so that it were the will of the Assemblie, that the faids greives and answers fould be buried : Notheles, the Assemblie, for satiffactionn of the haill brether, thocht good, that the faidis greives and answers fould be red in audience of the haill Assemblie ; qubilk being done, after voteing, it was concludit, that the procefs and proceidings of the faids Commissioners fould be ratified in that pairt ; and the faids greives and answers buried and oblitterat, for continuance of peace and quyetcnes in the Kirk.

Sellio 8<sup>a</sup>. 11 Martij.

The brethren, after reviseing of the haill proceidings of the Commissioners of the last Assemblie, ratifies, allowis, and approves [the same ;] and ordaines the haill greives givin in, and answers made thereto, to be buried and put out of memorie.

For better execucion of thair proceidings, the General Assemblie or-

daines Mrs Robert Rollock, David Lindsay, Robert Pont, Patrick Gallo-way, Johnie Duncanfone, James Nicolfone, Thomas Buchannan, George Glaidftanes, or any fyve of them, to conveine with his Majestie, to put the decreit of the faids Commissioners, anent the planting of Edenburgh, to farther executioun, and place the Ministers of Edinburgh at thair particu-lar flocks; ordaining lykewayes the Ministers of Edinburgh to obey the said decreit be accepting every one of them thair particular flocks, vnder the paine of deprivation from thair Ministrie; and in eace of diffobedience on thair parts, and none acceptatioun of thair particular flockis, as said is, that the faids Commissioners depryve them from thair function [of the Ministrie:] And therafter ordaines the faids Commissioners to plant the Kirk of Edinburgh with such of the wyest and most discreit of the brethren as they fall think most meit, to the glorie of God and edification of the particular flockis within the towne of Edinburgh; and in the meane tyme, quhill the faids Commissioniers conveine for performing of the premisies, the brethren ordaines the Ministers of Edinburgh to continue in the preaching of the Word and ministratioun of the facraments.

Selio 10<sup>a</sup>. 13 Martij.

Because fundrie of the brethren desyrit to be satifified of his Majesties mynd be his awin mouth toward certaine of the Ministrie, and in speciall toward the Ministrie of Edinburgh, anent quhatsoevir thrawarts or accidents that hes fallen out thir two geirs bygane; his Majestie, for making his mynd more clirlie to be vnderstood be the haill brethren, declarit himselfe to be content and satifified with the Ministrie of Edinburgh; and that his Hienes did beare no grudge nor evill will to any of them for any accidents quhilk hes fallen out in any tyme bygane, and that the same shold never be remembrit be his Majestie in any tyme comeing; bot that his Hienes and they, (to the quhilk the Ministrie of Edinburgh willinglie aggreit,) should never call any of these accidents fallin out in any tyme bygane to remem-brance, neither make mentioun of the same in privat speiches or publick sermons, in any tyme heirafter.

The quhilk day, in presence of the haill Assambleie, the Kings Majestie having declarit his advyce anent the necessitie of Commissioners, to be ap-pointed be the Generall Assambleie, to awaite and concurre with his

Majestie for bringing to ane finall end, the longsome worke of the constant Platt for the planting of Ministers at the principall burghes within this realme, in case any of thir places fall happen to vaille betuixt and the nixt Generall Assemblie; for awaiting on the Parliament, if any falbe, and craveing the redreffe of sick things quherwith the Ministers fall find themselves greivit; and finallie, for redressing of sick enormities, and awaiting vpon such good occasiouns, as may fall out before the nixt Generall Assemblie; defyreng, therfor, that the brethren wald confidder the necessitie forsaide, and according to their discretioune, whither if it were expedient, that ane commissioun shold be grantit to certaine of the most wise and discreit of the brethren for the causes forsaids: The quhilk his Majesties advyce the Assemblie thinks very necessar and expedient, and therfor hes givin and grantit, and, be the tenour heirof, gives and grants, thair full power and commissioun to Mrs Peter Blackburne, James Nicollson, Andro Mylne, Alexander Dowglas, Johne Ramfay, Thomas Buchannan, David Fergufone, William Cranftoun, George Glaidstaines, Alexander Lindsay, Harie Livingstoun, Robert Pont, David Lindsay, Robert Rollock, John Hall, Johne Clappertoun, Johne Knox, Gavin Hamilton, Andro Knox, his Majesties and the Princes Ministers, or any nyne of them, to conveine with his Majestie, at such tyme and place as falbe found expedient; with power to them, or any nyne of them, to concirre with his Majestie, ament the setting downe and concluding of the solid groundis and fundament of the constant Platt, and quhat securitie falbe made to the taxmen for the remnant of thair teinds: Quhilks grounds being sett downe be them, they fall make every Presbytrie within this realme privie to the same; and in case the saids Presbytries, be thair Commissioners or be themselves, after visitacione of the saids grounds and conclusiouns, ratifie and approve the same, with power to the saids Commissioners, or any nyne of them, to conveine therafter with his Majestie and [Lords of] the Privie Counsell, having the power of the Parliament to that effect, and there to put ane finall end and conclusioun to the constant Platt, and solid planting of every particular kirk within this realme; with power also to the saids Commissioners, or any nyne of them, to plant sufficient Ministers in the principall burghes within this realme, in case the Ministrie therof fall happen to vaille betuixt and the nixt Generall Assemblie, and in speciaill to take care ament the provisioun of Ministers to his Majesties and the Princes houes, the kirks of Newabbay, and Dunfreis; with power also to the saids Commis-

cioners, or any nyne of them, to awaite vpon the Parliament, if any falbe befor the nixt Assemblie, and give in the greives of the famein, defyrand them to be redreft; and to give thair advyee to his Majestie, for avoyding or eschewing of any danger or inconvenient quhilc may be liklie to fall out in prejudice of the Kirk: And lykewayes, in cae his Majestie find himselfe greivit, or crave redreffe of any enormtie done to his Hienes be any of the Ministrie, with power to them, or any nyne of them, to fitt and cognosee vpon the fame, quherin, for thair better informatiou of the cryme or fact quhilc fall happen to be committit, they fall crave the advyce of the most discreit of the Preibytrie quher the offender dwells, as they fall think expedient, and therafter proceid in taking tryall of the fact be themselfes and conelude therin, as falbe most expedient to the glorie of God, and peace and quyetnes of the Kirk within this realme: And, finallie, with exprefse power and command to the faidis Commissioners, to propone to his Majestie at thair conventiouns, the petitionis and greives, afweill of this Assemblie in generall, as of every member therof in particular, as falbe meinit vnto them, promittend de rato, &c.

Anent the forfaid commissiou grantit for redreffe of such things as fall happen his Majestie to be offendit with in the person of any of the Ministrie: His Majestie declarit in prefence of the haill Assemblie, that albeit the haill power of cognosceing of such persons, be devolvit in the persons of the Commissioners, quho fould concurre with his Majestie to that effect; nevirtheles, his Majestie mynds no wayes to trouble the Commissioners with any such matters, vnleſſe firſt it be knowin notoriouſlie, that the Preibytrie, quher the offender maks residence, both hes gottin knowledge of the fact, and either hes altogether negleſtit the tryall therof, or els not ſatisfid his Majestie with the punishment imponit to the offenders be them.

Seflio 11<sup>a</sup>. Eodem die.

Forfameikle as the Commissioners of the Generall Assemblie, at the Parliament holdin in December laſt bypaſt, vpon ane earnest zeale quhilc they did alwayes beare to the weill of the Kirk, had givin in certaine articles to the Lords of Parliament, concerning the libertie of the Kirk, and in ſpeciall had craveit that the Ministrie, as repreſenting the true Kirk of God within

this realme, and fo being the third Estate in this realme, might have vote in Parliament according to the loveable acts and constitutions of before made in Parliament, in favours of the fredome and libertie of the holie Kirk ; quhilks thair travells and indevores, proceeding alwayes vpon ane godly intention, they submittit to the censures of this prefent Assemblie, defyreing the brethren to allow or diffallow the same, as they fould think most expedient for the glorie of God and the establisching of the true religioune within this realme : Quhervpon the brethren being ryplie advysit, allowit the honest and godlie intention of the Commissioners in craveing vote in Parliament [for the Ministrie,] as conforme and aggrieing to fundrie vther acts of the Assemblies preceeding, in the quhilk it hes been found expedient that the Kirk fould [fute] vote in Parliament.

Forfameikle as his Majestie is willing to vtter his good intention that he hes alwayes borne to the establisching of the true Kirk of God within this realme, declarit, that for the better performance thereof, his Hienes had allifted the Commissioners of the last Assemblie in craveing vote in Parliament in name of the Kirk ; quhilk thair fute, albeit it was in some paire, and [as it were] in a certaine manner, grantit be the Lords of Parliament ; get the acceptatioun therof, the forme, and haill circumstances of the perfons, were referritt to this Generall Assemblie, to be acceptit or refusit as the Kirk fould think expedient. And feing his Majestie had anticipat the appointit tyme of the Assemblie, and defyred the brethren to conveine at this prefent time, especially for the caufe forfaid ; therfor his Majestie defyrit that the brethren wald enter in a particular consideratioun of the haill points of the said act in every particular point thereof ; and first to reaon, in publick audience of the haill Assemblie, whither it were lawfull and expedient, that the Ministrie, [as] reprenteng vndoubtedlie the Kirk within this realme, fould have vote in Parliament, or not.

The said question being at verie great lenth reaonit and debaitt in vtramque partem, in prefence of the haill brethren, and therafter vottit, the Generall Assemblie votis, [finds,] and concludis, that it is necessar and expedient for the weill of the Kirk, that the Ministrie, as the thrid Estate of this realme, in name of the Kirk, have vote in Parliament.

Sessio 12<sup>a</sup>. 14 Martij.

Concerning the number of the Ministrie that fould have vote in Parliament in name of the Kirk, it was lykewayes concludit and thocht expedient, that als many of them shold be chosin for the vote [in Parliament] as was wont of auld, in tyme of the Papisticall Kirk, to be Bischops, Abbots, and Pryours, that had the lyke libertie, viz. to the number of fiftie and ane, or therby.

Item, After reaforing, it was vottit and concludit, that the election of sick of the Ministrie as fould have vote in Parliament, aucht to be of ane mixt qualtie, and appertaine partlie to his Majestie, and partlie to the Kirk. And because, through shortnes of tyme, the brethren could not be perfytelie resolvit in the remanent heids and circumstauncies concerning the office of him that fould have vote in Parliament, viz. de modo eligendi; of his rent; of the continuance of his office, whither he fould be chosin ad poenam, or not; of his name; of the cautions for preseruation of him from corruptioun, and sick vther circumstauncies: Therfor the Assemblie ordaines every Presbytrie to be rypelie and throughlie advysit with the particular heids above wrytin; and therafter to convocat thair Synodall Assemblies through the haill countrey vpone ane day, quibilk falbe the first Tuesday of Junij nixt to come, and ther, after new reaforing and advysement of the particular heids above wrytin, that every Synodall choofe out thrie of the wyfes of thair number, quho falbe readie vpon his Majesties advertisement, quibilk falbe vpon ane moneths warning at the leaft, to conveine with his Majestie, together with Doctours of the Vniverſitie, viz. Mrs Andro Melvill, Johne Johnſloun, Robert Rollock, Patrick Sharpe, Robert Howie, Robert Wilkie, and James Mertin, sick day and place as his Majestie fall think expedient, with power to them to treat, reaſon and conferre vpon the faids heids, and vthers pertaining thereto; and in eace of aggriement and vniformitie of opinions, to vote and conclude the haill queſtioun concerning vote in Parliament: vtherwayes, in eace of diſcrepancye and variance, to referre the concluſion thereof to the nixt Generall Assemblie.

For better obſerving of the Presbytries, It is ſtatute or ordainit, that every Presbytrie fall assemble themſelves once ordonrly, ilk weike in thair full number, at the leaſt fo many of them as hes thair reſidence within aucht myles to the place of the ordinar convention of the Presbytrie.

That every member of the Presbytrie studie the text quhervpon the exer-  
cise is to be made.

That a commoun heid of religioun be intreattit every moneth in ilk Pref-  
bytrie, both be way of discourse and disputation.

That every Paſtour have ane ouklie exercise of inſtruſtioun and exami-  
natioun of ane part of his congregatioun in the Catechisme.

Quhilks haill heids are ordainit to be obſervit vnder the paine of incur-  
ring the censures of the Kirk.

Seflio ultima. Eodem die.

Anent the Protestatioun given in be Mr John Davidsene, for himſelfe  
and in name of certaine brethren, as he alledgit, protesting, that this preſent  
Affemblie was not ane frie Affemblie ; quhilk his Protestatioun he defyrit  
to be infert in the bookeſ of the Affemblie.

It being inquirit be the Moderatour, if any man wald adhere to the ſaid  
Protestatioun : There was none found that wald adhere to the fame, nor  
was of the ſaid Mr John his opiniooun thereanent ; and therfore the brethren  
diſchargeit the Clerk to infert the fame in the books of the Affemblie.

The brethren having red and confiderit the paines and travells takin be  
Mr Patrick Sharp, Principall of the Colledge of Glaſgow, and his Leſſouns  
vpon the Catechisme and grounds of religioun, allowis of the fame, and thinks  
them very neceſſar and profitablie ; and therfor ordaines them to be printit.

Beaſt the queſtioun anent ſummar excommunicatioun, for lake of tyme,  
cannot be commodiouſly intreatit at thiſ preſent, therefor the brethren con-  
tinewis the fame quhill the next Affemblie : in the meane tyme fuſpends all  
ſummar excommunicatioun.

Because ther hes bein no ordour fett downe hitherto anent the number  
of Commiſſioners [to be] direct from every Prefbitrie to be ſent to the  
Generall Affemblie, Therfor it is flatute and ordanit, that, in all tyme  
comeing, thrie of the wyſt and the graveſt of the brethren ſalbe direct from  
every Prefbytrie at the moſt, as Commiſſioners to every Affemblie ; and  
that none preſume to come but commiſſion, except they have a ſpeciall  
complaint ; and that the Clerk of the Affemblie take heid to receive no  
more in commiſſion bot thrie allanerie, as ſaid is ; and lykewayes that ane  
be direct from every Prefbytrie in name of Barrones, and ane out of every

burgh except Edinburgh, quibilk fall have power to direct two Commis-  
sioners to the Generall Assemblie.

Anent the supplicatioun givin in be the Towne of Dundie, craveing ane  
vther Minister to be appointit to them in place of William Chrystefone,  
quho through age is not able to discharge his calling : The brethren thocht  
their defyre reasonabill ; and having appointit on the leits Mrs Johne Hall,  
Minister at Leith, and Robert Howie, Principall of the New Colledge of  
Aberdein, be pluralitie of vottis, Mr Robert Howie was chosin to be Min-  
ister at Dundie, and ordainit to be transportit with all possible diligence.

Because it was reportit that the Ministrrie of Orknay had dilapidat thair  
benefices be setting of tackis of the rent of the fame, to the great hurt and  
prejudice of the kirks, Therfor it is statute and ordainit, that none of the  
Ministers of Orknay or Zetland sett any tacks of any part of the frutes of  
thair benefices, nor get give thair consent to the tackis that falbe sett be  
vthers, in any tyme comeing, vnder the paine of deprivationoun.

Because it was reportit be certaine of the brethren, that notwithstanding  
of the actis of the Assemblies proceeding against faillors and traffiquers with  
Spaine, the faid traffique was not intermittit, Therfor the Assemblie or-  
daines the actis made anent the faids traffickers to be put to farther execu-  
tion in all points, but any respect of perfsons.

The Assemblie hes ordainit the Prelbitries of Dundie and Arbroth to  
summond befor them the Countessis of Huntlie, Sutherland, and Cathnes, to  
subscryve the Confessioun of Faith, vnder the paine of excommunicatioun ;  
quibilk summounds falbe execute be Mr William Paip, quho fall summound  
the Ladie Cathnes ; Alexander Dowglas, the Ladie Huntlie ; and George  
Monro, the Ladie Sutherland.

The brethren ordaines the nixt Generall Assemblie to be haldin at  
Aberdein, the first Tuefday of July 1599 geirs.

[By the Kings Proclamations the next General Assembly was appointed  
to be holden at Montroffe in March. C.]

A. D. M.DC.

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THE Generall Assemblie of the Kirk of Scotland haldin at Montrois,  
the 18 of Marche 1600 geirs: Quher the Kings Maiestie being  
personallie prefent, were conveinit the Commissioners of Schyres.

Sessio 1<sup>a</sup>.

Exhortatioun being made be Mr Peter Blackburne, Moderatour of the  
last Assemblie, Mrs Robert Brnce, Patrick Galloway, Robert Wilkie,  
Patrick Sharp, James Melvill, and Patrick Simfone, were appointit on the  
leis: Be pluralitie of votis Mr Robert Wilkie was elecht Moderatour  
hac vice.

Sessio 2<sup>a</sup>. Eodem die.

The Commissioners appointit in the last Generall Assemblie for visita-  
tioun of the kirks within every Presbitrie, as are particularlie divydit in  
the faid Commission, being requyrit quhat diligence they had done in dis-  
charge of the faid commissioun: It was ansuerit for the most part of them,  
that they were not able to discharge any part of the faid commissioun, in  
respect they wantit moyen to make thair expensis during the tymie of the  
visitation: and therfor the Assemblie thocht good that it shold be meannit  
to his Maiestie, that through inlake of expencis the worke of visitatioun

was lyke to ceafe, and to crave that some remeid may be provydit thereto.

Forfameikle as it was regratit, that the act made in the last Assemblie, anent the ordinar keiping of Presbytries, and the resorting thereto, was not regardit be fundrie of the Ministrie, and speciallie be them of the Prelbitries of Air and Irwing : Therfor the Generall Assemblie ordaines the said act to be put to execucion in all points, throughout all the Presbitries within this realme ; and quhosoevir contemnes and violats the samein, after twyse admonition, that he be suspedit from his ministrie : ordaining the vilitors, that falbe appointit fra this Assemblie, to report to the nixt Assemblie quhat diligence they find done, touching the keiping of the said act.

Sexto 3<sup>a</sup>. 19 Martij.

Anent the supplicatioun givin in be the Synodall of Galloway, making mentioune, that quher they had ane act for the erec<sup>t</sup>ing and bigging of ane kirk at the burgh of Stranrawer, within the Prelbitrie of Wigtoun, and annexatioun thereto of the 20 pound land of the parochine of the Inche, lyand towards the coast of Ireland, pertaining to the Lairds of Garthland, Stranrawer, Kinshill, and Sorbie, with the 29 mark land of the parochin of Saltfett, the fyve mark land of Auchterlure, and fyve mark land of Stranrawer, as being most commodious for the inhabitants of the said lands, for resorting to the said kirk for heiring of the Word ; vnto the quhilke erec<sup>t</sup>ioun and annexatioun forsaide, the heritours and kyndlie tennents of the saids lands, hes alreadie givin thair consent : defyreand, therfor, the Generall Assemblie will ratifie and approve the same, as at mair lenth is conteinit in thair supplicatioun. The Generall Assemblie [ratifies and] approves the erec<sup>t</sup>ing [and annexation] forsaide, of the said Synodall of Galloway in all points.

Because the generall questioun was proponit to the haill Assemblie, quher congregatiounis are so spations, that a great part therof may not commodiouslie resort to thair awin paroch kirk, be reson of the great distance of thair habitatioun therfra, If it be lawfull to ane number of the said congregatioun to big ane new kirk, and intertwaine a Pastor at the same

vpon thair awin expensis : The Generall Assemblie, after lang reasouing, thinks it both lawfull and expedient, and declares they will affit the fainein as a godlie wark, and will crave the fainein to be ratified in Parliament, how so oft it fall occure.

Because it was reportit, that a great number of gentlemen, and vthers of this realne, wilfullie and obstinateli abstaines from the holie communiooun ; some vnder colour of deadlie feids, and some for some vther licht caufes : Therfor, for remeid of the faid abuse, it is flatute and ordainit, That all Presbitries, within this realme, give expresse charge and command to every particular Minister within thair bounds, charging them to take vp the names of all them within thair parochines, quho hes not communicat ilk  $\geir$  anes at the leist ; and therafter summond them [to compeir] besor the Presbitrie, to heir and sie themselves decernit to communicat within thrie monethis nextt after the charge ; certifieand them and they failgrie, the a<sup>c</sup>t of convention made aganis non communicants falbe put to executioun aganis them : quhillk being done, and the saids persons, non communicants, remaining obſtinate, and the saidis thrie monethis expyred, that the Presbitries delate the names of the saids non communicants to the Kings Maieſtie, to the intent the forfaid a<sup>c</sup>t of convention made againſt non communicants may be put to executioun aganis them : And in the parochin quher ther is no Minister, that this ordour be fulfilled be the Presbitrie within the quhillk the said paroch lyes.

Forſameikle as it was heavilie lamentit in the Kings Maieſties prefence, that quhenas fundrie of the Ministrie were occupied in thair lawfull calling, in perſewing malefactours, ſuch as adulterers, murtherers, and vther flanderous perfons, vrging them to purge [themſelves of] the flanders committit be them, conforme to the flatutes of the Kirk, daylie obſervit within this realme, that at ſuch tymes they were drawin from thair calling, and chargit to compeir besor the Secreit Counſell, be letters privielie obtainit vpon false narratives be the ſaidis flanderous perfons ; quherby not only were they distractit from thair lawfull functiouns, but also the discipline of the Kirk and puniſhment of vyce [was] greatlie [neglectit and] contemnit : Therfor the brethren of the Assemblie moft humblie requeiſit his Maieſtie not to ſuffer ſuch contempt of the discipline of the Kirk, quherby the brydle wald be losit to all impietie and licentious living.

To the quhillk his Maieſtie promiſt, that, in tyme comeing, no letters foulde

be direct from the Secret Counsell, at the instance of any person, aganis any Minister in particular, or any Prelbitrie in general, for quhatfoevir thing he or they fall doe in the execution of their offices, befor the person, requyryer [of the faids letters,] produce ane testimoniall under forme of ane instrumen<sup>t</sup> de denegata justitia of the Minister or Presbytrie judge ordinar.

Sessio 4<sup>a.</sup> Eodem die, post meridiem.

The brethren appointit to await vpon the Kings Maiefie, for advyseing of such articles as fould be cravit of the nixt Conventioun for taking ordour with Jesuits, Papists, Seminarie Priests, &c., hes, with the Kings Maiefies advyse, formed the articles vnderwrytin, to be givin in to the nixt Conventioun.

1. That all Jesuits and Seminarie Priests, excommunicat and trafficking Papists, that fall happen, in any tyme comeing, to returne within the countrey, or that are presentlie within the countrey, fall, immediatlie after thair delatioun to his Maiefie, be apprehendit and put in ward, ther to be detinut ay and quhill they be convertit to the religiou[n], or els punischit according to the acts of Parliament, or els removit aff the countrey.

2. That the refetters of obſtinate excommunicat Papists, and thair cheife friends and acquaintances, in whose houſes they haunt, be chargit to find catioun, vnder a pecuniall paine according to thair abilitie and rank, that they fall no way receit nor intertwaine the faid excommunicats.

3. That all excommunicat Papists be chargeit to fatiffie the Kirk within the ſpace of thrie monethis, vnder the paine of horning; and if they failȝie, to be denuncit thereto, that thair eſcheitts and lyferents, in eace of geir and dayes rebellionoun, may be intromettit with be his Maiefies Thesaurer, and not diſponit to any donatour.

4. That the Marqueis of Huntlie be chargeit to [exhibit and] preſent before his Maiefie and Secret Counfell, John Gordoun of Newton, Patrick Butter, and Alexander Leflie, according to his band, that they may be committit to ward ay and quhill they fatiffie the Kirk.

Bonytoun Jonger, alledged resident within the Prelbitries of Ellon, Aberdeine, and Breichin, is ordainit be the General Asſembli to be conveinit befor the Prelbitrie of Brechin, and ther to offer his fatiffacioun as to his judges ordinar.

Tarwes, and Methlik, kirks of the Synodall of Aberdeine, vpon the xj day of November 1597 geirs, with mutual consent of the parochiniers, and heritors of the lands to be interchangit and annexit, with consent of the said Synodall, excambit certaine lands, and annexit them in respe&t of the farre distance from thair awin paroch kirks, and contiguitie to the kirks quhervnto they are annexit, but prejudice alwayes of thair rents of the Personage and Viccarrage of the faids lands, to be payit to the auld Perfons and Vicars, as befor the said excambion. The Generall Assemblie, at the defyre of the said Synodall, ratifies and approves the said excambion and alteratioun in all points, and ordaines the famein to take full effect.

Forsameikle as diverse and great inconveniences arises daylie through the vntymeous mariage of young and tender perfons befor they come to age meit for marriage ; and that ther is no law, nor statute of the Kirk, [made] as get defyning the age of perfons to be married : Therfor it is statute and ordainit, that no Minister within this realme presume to joyne in matrimonie [any perfones], in tyme coming, except the man be of fourtein geirs, and the woman of twelve geirs at the leist : ordaining lykewayes the Commissioners of the Generall Assemblie to defyre this statute to be ratified in the Conventione.

Anent the questioun, Whither a man being blind may discharge all the parts of the office of a Pastor ; and in speciaill anent the admisshoun of Mr John Boyle to the ministrie of Jedburgh, being blind : The Assemblie referres the ansuer of the generall questioun to the next Generall Assemblie.

And as to the admisshoun of the said Mr John, referris it to the Commissioners of the said Generall Assemblie ; and in the meanetyme discharges the said Mr John fra vsing any part of the office of a Pastour, except the preaching of the Word.

Beaute the mariage of perfons convict of adulterie, is a great allurement to maried perfons to committ the said cryme, thinking therby to be separeate from their awin lawfull halfe marrowes, to injoy the persons with quhom they have committit adulterie : for eschewing quherof, the Generall Assemblie thinks it expedient, that ane supplicatioun be givin in to the nixt Conventionn, craveand ane act to be made, dischargeand all mariages of such perfons as are convict of adulterie ; and that the famein be ratified in the nixt Parliament : ordaining the brethren appointit to awaite vpon the nixt Convention to give in this article with the rest.

Sesso 6<sup>a</sup>. 20 Martij, post meridiem.

Forfameikle as, in the laſt Affemblie, ther was commiffionn givin to every Synodall within this realme, to elect and chooſe out thrie of the wyſeft of thair number, to be readie vpon his Majefties advertiſement, and to conveine with his Hienes, and treat vpon ſuch heids, concerning vote in Parliament, as were not confiſcendit vpon in the laſt Affemblie, and, in eace of agriement, to conclude the haill matter; vtherwayes to referre the fame to the nixt Affemblie, as at mair lenth is conteinit in the laid commiſſionn: conforme to the quhilk, the faids Commissioners being conveinit at Falkland, the 25 day of Julij 1598, they being rypelie advyſit with the heids following, gave thair advyce and concluſion, as follows:

1. Concerning the maner of chooſing of him that ſhall have vote in Parliament in name of the Kirk: It is confiſcendit vpon, that he ſhall firſt be recommendit be the Kirk to his Majeftie; and that the Kirk ſhall nominat fixe for every place that ſhall have neid to be filled, of quhom his Majeftie ſhall chooſe ane, of quhom he beſt lykes; and his Majeftie promifes, oblieues, and binds himſelfe to chooſe no vther but ane of that number: And in eace his Majeftie refutes the haill vpon ane juſt reaſon of ane infiſciencie, and of greater sufficiencie of vthers that are not recommendit, the Kirk ſhall make ane new recommendation of men according to the firſt number, of the quhilk, ane fulbe chofin be his Majeftie without any farther refuſall or new nomination; and he that fulbe chofin be his Majeftie, fulbe admittit be the Synods.

2. It is concludit, that the Generall Affemblie ſhall have the nomination or recommendation of him that, in the name of the Kirk, ſhall vote in Parliament, quho ſhall take the advyce of the Synods and Prelabytries theranent, direc̄t from them in wryte: and the Synod ſhall have libertie to nominat awell within thair province as without; provyding that there be a man within the province meit for the place, cæteris paribus, he be preferrit to another.

3. Anent his rent: It is advyſit, with one conſent, that the Kirk being plantit ſufficientlie, the Colledgis and Schooles alreadie erec̄tit not prejudgeit, that the Kings Majeftie ſhall provyde him to all the reſt that may be obtainit of that benefice, quherto he is preferrit.

As to the cautions to keip him, that fall have vote in Parliament, from corruptiounes: They be these following:

1. That he presume not, at any tyme, to propone at Parliament, Counsell, or Convention, in name of the Kirk, any thing without expresse warrand and direction from the Kirk, and sick things as he fall answere [for] to be for the weill of the Kirk, vnder the paine of deposition from his office: neither fall he consent, or keip silence, in any of the saids Conventiones, to any thing that may be prejudiciale to the weill and libertie of the Kirk, vnder the samein paine.

2. He fall be bound, at every Generall Assemblie, to give ane accompt anent the discharge of his commissioun ffor the Assemblie gangand befor; and fall submitt himselfe to thair censure, and fland at thair determinatioun quhatfumever, without appellatioun; and fall feik and obtain ratificatioun of his doings at the faid Assemblie, vnder the paine of infamie and excommunicatione.

3. He fall content himself with that part of the benefice quhilk falbe givin in be his Majestie for his living, not hnrting nor prejudging the rest of the Ministers of the kirks, within his benefice, plantit or to be plantit, or any vther Minister [of the countrie] quhatfumever; and this claus to be inserit in his provisioun.

4. He fall not delapidat in any wayes his benefice, neither make fett nor dispositioun therof, without the speciall consent of his Majestie and Generall Assemblie: and for the greater warrand heirof, he fall interdyte himselfe not to delapidat his benefice, nor consent to delapidatioun thereof made be vthers to the Generall Assemblie; and falbe content that inhibitiouns be raifed on him to that effect.

5. He falbe bound faithfullie to attend vpon his awin particular congregatioun, quherat he falbe Minister, in all the points of a Paflor; and heiranent falbe subiect to the tryall of his awin Presbitrie and Provinciall Assemblie, as any vther Minister that bears not commissioun.

6. In the administration of discipline, collatioun of benefices, visitatioun, and all vther points of ecclesiastical government, he fall neither vsurpe nor acclaime to himselfe any power or jurisdiction farther than any vther of the rest of his breither, unlesse he be employit be his breither, vnder the paine of deprivatioun: And in eace he vsurpe any part of ecclesiastical government, and the Presbitrie, Synodall, or Generall Assemblie, oppone

or make any impediment thereto ; quhatfoevir he doe, after that impediment, to be null, ipso facto, without any declaratour.

7. In Prelbitries, Provinciall and Generall Assemblyes, he fall behaye himselfe in all things, and be subiect to their censureing, as any of the brethren of the Prelbitrie.

8. At his admisioun to his office of Commissioner, thir and all vther points necessar he fall sweare and subscryve to fulfill, vnder the paine of the penalties forsaids ; and vtherwayes not to be admittit.

9. And in case he be deposit be the Generall Assembly, Synod, or Prefbitrie, from his office in the Ministrie, he fall also tyne his vote in Parliament, ipso facto, and his benefice fall vaik.

And farther cautions to be made as the Kirk pleases and finds occasioun.

Anent his name that for the Kirk fall [have] vote in Parliament : It is advyseit, be vniforme consent of the haill brether, that he falbe callit Commissioner of such a place ; and in case the Parliament, be his Majesties moyen, be induceit to acknowlege that name, it fall stand so : if not, the Generall Assembly fall conclude this questioun anent his name.

The questioun being demandit, Whither the commissioun of him that for the Kirk [fall vote in Parliament,] shoulde indure for his lyfe tyme, except fome cryme or offence interveine, or for a shorter tyme at the pleasure [of the Kirk] : The Commissioners of the Provinciall Assemblyes being of diverse opiniouns, thought good to referre this questioun to the nixt Generall Assembly.

Quhilks haill conclusiouns being red in presence and audience of the haill Assembly, and they being rypelie advyseit therwith, ratified, allowit, and approvit the famein ; and thocht expedient that the said cautions, together with sick vthers as falbe concludit vpon be the Assembly, be inserit in the boide of the aet of Parliament, that is to be made for confirmation of vote in Parliament to the Kirk, as most necessar and substantiall parts of the famein.

Anent the supplicatioun givin in be James Leirmonth, zonger of Dairie, James Kynnmonth of that ilk, Johne Traill of Blebo, for themselves, and in name of thair tennents, and vthers, parochiners of the paroch of Sanct Androes, makand mentioune, That albeit they are parochiners of the said paroch kirk, lykeas they and thair predecessours hes bein [continually subiect to the discipline of the said kirk, and hes been] ever readie to vnderly

quhatfoevir burdein was imposit for furtherance of the faid kirk, and concurre with the rest of the parochiners, according to thair rent and portioune of the faid paroch : nevertheless the Ministrie and Seffoun of the faid kirk refuseth to suffer them and thair faids tennents to enjoy the benefits of the Kirk with the remenant of the faid paroche ; but debarres them from the heiring of the Word, receiving of the sacraments, and benefite of mariage, within the faid kirk of Sanct Androes, but any reasonable cause : Desyreand, therfor, ane command to the Ministrie and Seffoun of the faid kirk of Sanct Androes to admitt the forfaids persons and thair vassalls to the hearing of the Word in the faid kirk of Sanct Androes, and the injoying of the haill remenant benefites of the Kirk, as at mair lenth is conteinit in the faid supplicatioun.

The Generall Assemblie having confidderit the premisses, commands and ordaines the Ministrie and Seffoun of the faid kirk of Sanct Androes to admitt the faids complainers, and thair vassalls and tennents, parochiners of the faid kirk, to the hearing of the Word, mariage, and receiving of the sacraments of the Kirk, within the faid kirk of Sanct Androes, as thair proper paroch kirk, in all tyme comeing, ay and quhill thair awin consent be obtainit in the contrair.

Seffio 7<sup>a</sup>. 21 Martij.

Anent the supplicatioun givin in be the parochiners of Tulliebodie, make- and mentioun, Albeit the faid paroch of Tulliebodie be ane auld paroch, separate from all vthers, having within itselfe the number of four or fyve hundred communicants or thereby, and payes thair teinds to the Abbot of Cambuskenneth, quho rigoroufie exacts the same : Nevertheless the Prefbitrie of Strivelig hes, be thair ordinance, commandit the faid kirk of Tulliebodie to be vuittit to the Chappell of Alloway most wrangoufie ; seeing the faids complainers, be ane anterior command of the faid Prefbitrie, not only reedified thair faid Kirk of Tulliebodie, but also, vpon thair awin charges, furnischt a Pastor to the faid kirk ; lykeas yet they are most willing to doe, notwithstanding thair teinds are most wrangoufie led away be the faid Abbot, as faid is : desyreing, therfor, thair faid supplicatioun to be confidderit, and the faid unioun to be dissolvit, as, at mair lenth, is conteinit in the faid supplicatioun.

The brethren of the Presbitrie of Striveling being callit to give a reasoun of this thair vnioun of the said kirks, anfuerit, That the caufe moving them was, First, That both the faids parochines lay verie commodioulle to the faid kirk of Alloway: Secondlie, That the number of both the faids parochines wald make but one sufficient congregatioun: Thirdlie, That ther could not be ane stipend obtainit to the faid kirk of Tulliebodie, in so farre that at the defyre of the faids complainers, ther being ane Paftour appointit to the faid kirk, vpon promise that they wold furnischt him a sufficient stipend, he was forcit, for povertie, for to leave them: quheras, be the contrair, be the vnioun of the faid two kirks, the Erle of Marre furnisches a sufficient stipend to ane Paftour, resident at the same.

The Generall Allemblie having confidderit the premisses, ratifies and approves the vnioun of the faids kirks of Alloway and Tulliebodie, and ordaines Alloway to be the paroch kirk in all tyme coming.

Anent the supplicatioun givin in be the Presbitrie of Deir, makand mentionoun, that quher the Laird of Phillorth having ere<sup>c</sup>tit ane Colledge vpon the towne of Fraferburgh, and aggreit with Mr Charles Ferme to be both Paftour of the faid burgh, and Principall of his Colledge; quhilk burdein the faid Mr Charles refuses to accept vpon him, without he be commandit be the Generall Assemblie: Desyreand, therfor, ane command to be givin to the faid Mr Charles to accept both the faid charges, as at mair length is containit in the faid supplicatioun:

The Generall Assemblie having at length confidderit the necessitie of the faid wark, and how the faid Laird of Phillorth hes refusit to intertaine a Paftour at the faid kirk, vnlesse he vndertake both the faid charges, Therfor commands [and charges] the faid Mr Charles Ferme to vndertake and awaite vpon, asweill the faid kirk, as to be Principall of the Colledge of Fraferburgh.

#### Sessio 8<sup>a</sup>. Eodem die.

Forfameikle as the Commissioners of the Synodalls conveinit at Falkland, the 25 of Julij 1598 geirs, being of diverse opinious concerning the continuance of his commissioun that shall have vote in Parliament, Whither he should indure for his lysetyme, except some cryme or offence interveine, or

for a shorter tyme, at the pleasure of the Kirk, they thocht good to referre the fame to this present Assemblie : Therfor the Generall Assemblie having reasounit at length the said questionn, touching the continuance of him that fall have vote in Parliament, after votting of the fame, finds and deeernes, that he fall annuatim give count of his commision obtainit from the Assemblie, and lay downe the sumein at thair seit, to be continuit or alterit therfra be his Maiesie and the Assemblie, as the Assemblie, with consent of his Maiesie, fall think most expedient for the weill of the Kirk.

It is statute and ordainit, that nane of them that fall have vote in Parliament, fall come as Commissioners to any Generall Assemblie, nor have vote in the fame in any time comeing, except he be authorizit with a commision from his awin Presbitrie to that effect.

It is found be the Assemblie, that crimen ambitus falbe a sufficient cause of deprivation of him that fall have vote in Parliament.

It is statute and ordainit, that every Miniller intimat this Generall Assemblie, that the vote in Parliament is concludit be the Assemblie ; and that nane vter speich in pulpit contrair the fame.

Forfameikle as it hes bein found necessar of before, and profitable for the weill of the Kirk, that certaine Commissioners be appointit fra Assemblie to Assemblie, whose speciall care and travell shoulde be to give thair advyce to his Maiesie in all affaires concerning the weill of the Kirk, and intertainment of peace and concord betuixt his Maiesie and the Kirk : Therfor the Generall Assemblie, continuing in that same course, hes givin and grantit, lykeas be the tenour heirof gives and grants, thair full power and commision to Mrs Johne Strachane, James Nicolsone, Andro Mylne, Alexander Forbes, Alexander Dowglas, Robert Howie, James Melvill, Johne Caldeleuch, Robert Wilkie, Harie Livingstoun, Alexander Lindsay, George Ghaidlanes, Robert Pont, David Lindsay, Robert Bruce, Johne Hall, Johne Clappertoun, Johne Knox, Andro Lamb, James Lowfoune (Law ?) Johne Spottiswood, Gawin Hamiltoun, David Barklay, Andro Knox, with the Kings Maiesies Ministers, or any nine of them ; Giveand, grantand, and committand to them thair full power to plant such kirks in Burrogh Townes as are desilitate of Paltours ; and in speciaill, the kirk of Leith, in place of Mr Johne Hall last removit therfra, and the southwest kirk of Edinburgh, vaikand be the deceis of vnuquhile Mr Robert Rollock : to present the greives of this present Assemblie to the next Con-

ventioun, and to receive the answiers of the famein. And lykewayes, in cace his Maiestie find himselfe greivit at any enormities committit be any of the Ministrie, to try and cognosce vpon the famein, and take sick ordour theranent as falbe meitest to the glorie of God, and weill of the Kirk ; to advye with his Maiestie anent the effectuating of the constant platt : Promitten de rato &c.

Thir are the Commisioners appointit to await on the Conventioun ; Mrs David Lindsay, Robert Bruce, James Nicolson, Andro Lamb, William Couper, Alexander Lindsay, John Spottiswood, with the Kings Maiesties Ministers.

Because it was vnderstand be the Assemblie, [that Mr Andrew Lamb,] Minister at Aberbrothok, was liklie to be tranfportit to some vther flock, quher his gifts mycht profite the Kirk in some greater abundance : Therfor the Generall Assemblie gives licence to the said Mr Andro Lamb to be transporetit from the said kirk of Aberbrothok.

The said day, the Generall Assemblie receivit and admittit Mr Thomas Hope to be Solister for the Kirk in place of James Mowat ; quho being perfonallie present, dimittit the fame in the Allemblyes hands, after the said Mr Thomas had givin his oath of fidelitie in the laid office.

Anent the proceſſe of appellatioun perfewit be James Lord Lindsay of the Byres, and remenant gentlemen and parochiners of the paroch kirk of Seiris, aganis the Prefbyteries of Couper and Sanct Androes, concerning the admillioun of Mr Robert Buchannan, Proveſt at Kirkheuch, to the Ministrie [at the kirk] of Seiris, and transportatioun of him from the kirk of Forgane in Fyfe : The brethren appointit to vilit the said proceſſe, having made thair report to the haill Assemblie, the rights, reafons, and allegatiounis of all the said pairties beeand [heard and] confidderit, The General Assemblie decernes and ordaines the said Mr Robert to remaine Minister at the said kirk of Seiris : And sick lyke gives thair power and commiffioun to Mrs James Melvill, Robert Wilkie, James Nicolson, Alexander Lindsay, and William Scott, giveand them power to elect and choose out a discreit man, with conſent of the faids parochiners of Seiris, to be adjointit to the said Mr Robert as Minister and fellow helper with him at the said kirk of Seiris ; with power also to them to modifie how mikle of his ſtipend falbe modified [payit?] be the said Mr Robert, and how mikle be the faids parochiners of Seiris. And in ſpeciall, the Assemblie

recommends vnto them thair brother, Mr William Symfone, Minister at Bruntiland.

Forfameikle as there are diverse parts of the countrey, that, for luke of visitatioun, are become almost defolate, Therefor the Generall Assemblie hes thocht good that certaine visitours be dire&tit for visiteing of the bounds of Kirkudbright and Wigton, Mrs David Barklay, Alexander Scrymgeour, and Nathan Inglis; of the bounds of Murray, Mrs George Hay and Andro Crombie; of the bounds of Orknay and Cathnes, Mrs Robert Pont, John Monro elder, and John Monro gonger; of the bounds of Rosse, Mrs Alexander Dowglas, Johne Carmichael, and William Scott; and for Nitheſdaile, Mrs Robert Wallace and Johne Welsche: with power to them to inquire in the lyfe, doctrine, and qualificatioun of the Ministrie within the faids bounds; to try the fayers and heirars of messe within the samein: with power alſo to plant and tranport Ministers to ſuch places as they fall think moft expedient for the glory of God and weill of the Kirk; and to report to the nixt Assemblie.

Because the Iland of Errone lyes moft commodious and adjacent to the Prefbitrie of Irvin, Therfor the Generall Assemblie annexis the fame to the faid Prefbitrie.

Anent the ſupplication givin in be the Prefbitrie of Mige, makand mentioune, That feeing the faid Prefbitrie had vnit the kirks of Ellie and Neua to be and remaine a congregatioun vnder the charge of ane Paſtour, at ane kirk to be biggit in the mids of the faids two parochines; partlie in reſpect of the fewnes of the number [of] both the faids parochines, not extending [to] the number of fyve hundreth perſons; partlie in reſpect of the commoditie of the place, feeing the fartheſt part of both the faids parochines will not be diſtant halfe a myle from the place, quher the faid kirk fould be biggit; and partlie in reſpect of the imposſibilite of moyen to ſuſtaine two fundrie Ministers at the faids two kirks: Defyreing, therfor, ane ratification of the vnioun in this Assemblie, together with a command to the brethren dire&t to the Estates conveinit at Perth, to crave the famein to be ratified in the faid Conventioun, as at mair length is conteint in the fuſplication :

The Generall Assemblie ratifies and approves the vnioun forſaid; and ſicklyke [ordaynes] the brethren appointit to gang to the Conventioun at Perth, to crave the faid vnioun to be ratified in the faid Conventioun.

Anent the appellatioun perfewit be the Prefbitrie of Dunfermling fra

the decret pronuncit be the Synodall of Fyfe, haldin at Couper the 6 of Marche 1598, finding that the said Presbytrie had done wrong in planting of the kirk of Dalgatie with hurt and prejudice of the Kirk of Aberdoure, being the most great and populous congregatioun, and the haill stipend being but a meane stipend, and therfor decernand the haill stipend to remaine with the kirk of Aberdoure : The said Presbytrie of Dumfermling com peirand be Mr Johne Fairfull, Minister of Dumfermling, thair Commis sioner, and the Commissioners of the Synodall of Fyfe being lykewayes present, with the Commissioners of the Towne of Aberdoure, the rights and reasones of both the saids parties hard and confidderit, The Generall As semblie decernes and ordaines Mr William Patoun, Minister at Dalgatie, to serve the cure of both the saids kirks of Aberdoure and Dalgatie, and to have assignt to him for his service thereat, the haill auld stipends of Aberdoure and Dalgatie befor the divisioun therof, for the crope and geir of God 1599, and geirlie in tyme comeing, ay and quhill sufficient provisioun may be gottin for planting of both the saids kirks.

The Generall Assemblie grants libertie to Mr William Symfone, Minister at Bruntiland, to transport himselfe from the said kirk, in respect he hes servit therat thir many geirs bygane, but any stipend ; and the Queines Ma iestie and her Chamerlanes, quho was in vse of payment of before of the Miniflers at the said kirk, refuseth to make payment to the said complainer of the famein : and therfor recommends him to the Synodall of Fyfe, to have consideratioun of him in planting of their kirks.

The nixt Generall Assemblie is appointit to be haldin at Sanct Androes the last Tuesday of Julij 1601.

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[The General Assemblie appointit to be hauldin at Sanct Andros was be the Kings proclamation at Mercat crosles, commanded to be keipit with him at Brunteyland in the monethe of May. C.]

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A. D. M.DCI.

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THE Generall Assemblie of the Kirk of Scotland, haldin at Bruntiland,  
the 12 day of May 1601 geirs. In the quhilke the Kings Majestie  
with his Commissioners of the Nobilitie and Burrowes, were pre-  
sent.

Sessio 1<sup>a</sup>.

Exhortatioun being made be Mr Robert Wilkie, Moderatour [of the last Assemblie,] the brethren proceidit to the electioun of ane new Moderatour : and Mrs Patrick Galloway, Patrick Simfone, Patrick Sharpe, Johne Hall, and James Robertson, being put on leits ; be pluralitie of votes Mr Johne Hall was chosien Moderatour hac vice.

Sessio 2<sup>a</sup>. 14 Maij.

The quhilke day the brethren having entrin in consideratioun of the generall defection from the puritie, zeale, and practise of trew religiou in all estates of the countrey ; and how that the faime must of necessitie, at laist, be concludit either in Papistrie or Atheisme, within shourt fpace, in the righteous judgement of God, except some substantious remeid be provydit therto in tyme ; and because the evill cannot be weill curit unleesse the originall springs and [speciall] causes therof be rypit up : Therfor the bre-

thren, after mature deliberatioun and weyng of the causes of the faid defectioun, hes found the principall canses therof to be, as follows.

Causes of the defectioun from the purtie, zeale, and practise of true religioun in all estates of the Countrey : And how the same may be most effectuallie remeidit.

The principall cause of this fearefull change, no doubt, is the just wrath of God kindlit against the haill land for the vnreverent estimatioun of the Gospell, and for the sins of all estates, and dishououring of thair profisouns, and making the name of God to be blasphemed through the profane world without remorse.

Laik of care and diligence vpon the part of the Ministrie, in the discoverie of them that makes apostacie to Papistrie ; and negligence in executioun of the lawis and discipline aganis sick as happens to be discovered.

Want of Pastours, and vnplantit kirks, and displanting of kirks, quhilke hes been provydit, be diminutioun of the Thrids.

Neglecting of places that are of cheifest importance to the interest of religionn, in not planting sufficient Pastours therat, sick as [are] her Majesties house, the Princes house, the Erles of Huntlie, Erroll, and Angus houses, and places of thair cheifest residence ; the Lord Hoomes house, the Lord Herries house, and cheife places of thair residence ; the towne of Dumfreis, and vthers of the Nobilitie and [of] greatest power within the countrey.

The ovir hafsie admisioun of men to the Ministrie, befor they be knowin to be of sufficient gifts and experiance to discharge fruitfullie that high calling [in] thir difficile tyme.

The negligence of the Ministrie in advancing of thair knowledge, be ever continuall and constaunt reidng of the Scriptures, and controversies of the tyme ; quherthrow they might be able to bring the consciences of thair auditors in subiectioun to the obedience of the Gospell, and convince of the adverfarie.

Negligence in the lyves of the Ministrie, not frameing thair converstaoun in gravitie as paterns of lyfe to the peiple ; bot frameing themselfes excessively to the humours of men, especiallie in communicatioun at tables, and giving sometymes examples of intemperance, [and] in the light and prodigall abulzements of thair families.

The distraictioun of mynds quhilk is supposed to be in the Ministrie ; [and] the distraictioun quhilk is supposed to be of his Majesties mynd from some of the Ministrie.

The advancing of men suspect in religioun, and knawin to be evill affectit to the good caufe, vnto offices, honours, [and] credit in Comr, Counsell, and Sessioun, and vther rowmes of great importance within the countrey.

The defolatioun of the Kirk of Edinburgh through the want of Pastours.

The continual residence and intertaintment of the Ladie Huntlie, a knowin and profest Papist, of Margret Wood, sister to the Laird of Bonytoun, and vthers knawin and profest Papists, in his Majesties Court and companie.

The education of thair Majesties children [in] the companie of obstinat and profest Papists, sick as the Ladie Livingtoun.

The negligent educatioun of the children of noblemen, and sending them out of the countrey vnder the charge of paedagogues suspect in religioun, or, at the leift, not weill groundit and confirmit therin, to be brocht vp and instrunctit in places quher Papistrie is profest.

The impunitie of fitters, mariners, and awners of shipes, that, vnder the name of paflingers, transports from vther places, and brings within the countrey Seminarie Priests, Jesuites, and vther traffiqueing Papists, with thair coffers, and bookees ; and the impunitie of sick quho convoyes and sparsells the bookees through the countrey.

The decay of Schooles and of the educatioun of the gonth in knowledge of good letters and godlynes, specialelie a landwart, for luke of provision sufficient to intertwaine a qualified Schoolemaster in places neidfull.

That men suspe<sup>c</sup>t in religioun, and challengit therfor be thair Presbytrie and Pastours, hes accele<sup>s</sup> to Court dureing the tyme of thair processe.

That the late reconcileit Papists are not vrgeit to performe the conditiouns aggreet to be them at thair reconciliation to the Kirk.

#### Remedies of the former Evills.

The Generall Assemblie, having entrit in the confideration of the caufes of the faid [great and] fearefull defection of all estates of perfons within this land from the true and sincere profession of the Gospell, [presentlie]

founding within the same ; and having found the principall caules of this change to be, no doubt, the just wrath of God kindlit against this land, for the vnreverent estimatioun of the Gospell, and for the sins of all estates, and for the dishonouring of their professiou, and making the name of God to be blasphemit be the profane world without remorse : quhilk horrible judgements hes fallin in every estate, for the contemptuous heiring of the Word of God, in so farre as ther is none hes worthilie esteinlit the said precious Word according to the dignicie therof: Therfor, and for removing of the former evills, and causes, and farther judgements, if they be not preventit be speidie repentance, the Assemblie hes [concludit and] ordainit a generall humiliatioun to be keipit solemulie throughout the haill land, with fasting and prayer in all severall congregatiouns, two severall Sabbath dayes, both in burgh and land, within the realme; and lykewayes in burrow townes, throughout the haill weik betuixt the faids two Sabbaths ; and the caufe of the faid humiliatioun to be [intimat to be] only the sins of the land, be the quhilk the professiou of the Gospell hes bein dishonourit, and the wrath of God provockit : quhilk generall humiliatioun is ordainit to be vpon the last two Sabbath dayes of Junij nixt to come.

The vnplantit kirks wald be effectuallie recommendit to his Majesties care, whose authoritie only is able to accomplish that worke ; and, for the better furtherance therof, that his Majestie wald cause take heid that the thrids be keipit vnvitiat.

Nothing more necessar nor to have his Majesties houffe, the Princes house, the Erles houses, and places of thair residence, and vthers places of chiefest importance, as the Towne of Dumfreis, to be weil plantit with learnit, wife, and godlie persons : and quher the laik of provisioun mycht be a hinder to the prefent planting, as at the Erles houses, it were requisite for a time, that the meitest for that purpose, not being in places quher the cause may be fo farre interest be the want of a resident Paftour, sould be transportit fra thair awin places, to remaine for ane quarter or halfe ane zeir, that ane substancialius meane may be found out for ane constant provisioun and planting of these rowmes, be whose labours, in the meane tyme, the Erles and thair families might be confirmit in the trueth, and the enemies debarrit from thair companies, and therafter to returne to thair awin charges ; the Presbytries, in the meanequhill, taking ordour for the helping of thair kirks in the tyme of thair absence : And to that effect, ordaines Mr George Glaidstanes to be direct to awaite vpon the Erle of

Huntlie; Mrs Alexander Lindsey and William Couper vpon the Erle of Erroll; Mrs James Law and Johne Spottiswood vpon the Erle of Angus; Mr Johne Carmichell vpon the Lord Hoome; Mrs David Lindsey and Johne Hall vpon the Lord Herreis.

That ane petition be givin in to his Majestie and Secretit Counsell, deffyng, that these quhom his Majestie knowis, or shall know heirafter, to deale in favours of profest traffiqueing Papists farther nor the lawes of the countrey shall permitt, falbe countit and haldin as men fulspēt in religiou[n], and shall not have the honour to be in his Majesties house, Counsell, or Sessiou[n].

Item, That it be craveit lykeways of his Majestie and Secretit Counsell, that all Papists, men and women, challengit be the Kirk for thair religiou[n], and not satisfieand the Kirk for the same, be dischraigit from resort to court, quhill they have satisfied, and bring from the Presbytrie of thair bounds a sufficient testimoniall of thair obedience.

Item, For discovering of the aduersaries of the true religiou[n] lurking within this countrey, it is ordainit, that every Presbytrie, immediatlie after the dissolving of this prefent Assembly, take vp the names of the non communicants within thair bounds, and send them to his Majesties Ministers with all expeditionn, subferyvit be the Moderatour and Clark of the Presbytrie, and Minister of the paroch; and that from this tyme furth, at every Provinciall Assembly, the names of the non communicants be tane vp, and sent to his Majesties Ministers.

Item, That it be inquyrit ament the late reconcilit Lords to the Kirk, be the Presbytries quher they make residence, whither they have keipit and performit the articles subscrivit be them at thair receiving, and that they be vrgit severallie to performe every ane of the said articles; and if they refuse, that the Presbytries certifie the Kings Majesties Ministers therof.

Item, For eschewing of farther evill quhilk might come to the estate of the religiou[n] be the evill educationn of the gouth foorth of the country, it wald be cravit of his Majestie and Secretit Counsell, that such noblemen and vthers as directs a paedagogue with thair sonnes furth of the countrie, that thair paedagogue be knowin godlie and of good religiou[n], [learnit] and instructit in the samein, and approvit of his religiou[n] be the testimoniall of his Presbitrie: that thair remaining out of the countrey be in the places quher the religiou[n] is prefentlie profest, or, at the leaſt, quher ther is no restraint of the same be the cruetie of Inquisitioun: that dureing the

tyme of thair abfence they fall not haunt any idolatrous exercise of religiou : and such [as] hes not the moyen to sustaine a paedagogue with thair fons foorth of the countrey, that they fend them to such parts quher ther is no restraint [of religiou : and in caice thair fonnes, after thair departing out of the countrey, haunt thefe parts quher the profession of the trew religiou is restrainit,] that they find caution not to intertwaine them : And in cace any that passes out of the countrey imbrace any religiou except that quhilk is presentlie profest within this realme, that they fall not be able to bruik moyen, heritage, honours, nor offices, within this realme ; and this to be ane exception aganis the service of thair breives, and at the tym of admillioun of them to any office or honours : And in cace any of thair parents contraveine any of the premisses, that they incurre such paine as his Majestie and Secret Counsell fall modifie ; and that such as are already out of the countrey, [either] be callit back againe befor ane day to be appointit be his Majestie and Secret Counsell, or els that thair parents be fubiect to the lyke condicouns befor fett downe.

Item, It wald be craveit of his Majestie and Secret Counsell, that all skippers, mariners, and awners of shippes, be inhite that they bring in any Jesuites, Seminarie Priests, declarit fugitive traitours and rebels within the countrey, bot such as they know to be of true religiou, or hes sufficient testimoniall of the honestie of thair religiou fra the places quher they have bein convervant, vnder the paine of escheiting thair haill goods ; and vnder the same paine, that they delyver them in the hands of the Magistrat of the towne or port, quher they fall happen to arryve at, ther to be keipit, ay and quhill they be examinat and tryed, and his Majesties warrand obtainit for thair libertie after they have bein tryed [and fand] honest in religiou ; and fall keip them, thair booke, goods, and geir in shipboord, ay and quhill they receive ane warrand from the ordinar Magistrate for the releiving of the same ; and to that effect, that they fett none vpon land bot in commoun ports, quher ther is ane Magistrate to receive the passengars from thair hands.

Item, That his Majestie be dealt earnestlie with anent the removeing of his dochter out of the Ladie Levingtouns companie, in respect of her obftinate continuing in the professiou of Papistrie : for the quhilk cause, his Majestie being requeisted [be] the haill Assembly, promised that his Hienes dochter shuld be transportit, betuixt and Mertimes nixt to come, to his awin houſe.

And because the non planting of kirks is a great part of the wyte of the defectionoun from the puritie of religiou[n] ; and that the best way for the planting of the faids kirks, is the furtherance of the consta[n]t platt for locall fliends to be appointit to every kirk within this realme : Therfor the Affemblie hes ordainit the brethren following, viz. Mrs David Lindsay, James Nicolson, Robert Pont, Patrick Galloway, George Glaidstanes, John Nicolson, or any thrie of them, to conveine [upon the first day of Junij] with my Lords Chancellar, Secreitar, President, Collector, Comptroller, Sir Patrick Murray, and Mr George Young, to treat and advyse on sick overtures as, be thair commoun consent, falbe found most meit and expedient for advancing of the said work of the consta[n]t platt, and to lay downe such grounds as they fall find most meit and profitable for prosecuting of the same ; and to report thair diligence to the nixt Affemblie.

Sessio 3<sup>a</sup>. Eodem die.

The Kings Majestie having declarit his intentioun and defyre to have a Minister for his Hienes houfe, in respect of the deceise of Mr John Craig, and John Duncanfones old age, and another to the Queines Majesties houfe, and ane vther to the Princes houfe, the Affemblie nominat for his Majesties and the Queines houfe Mrs Henrie Blyth, John Fairfull, Peter Hewat, and Andro Lamb ; for the Princes houfe, Mrs James Nicolson, James Law, and John Spottiswood.

[The Affemblie ratifies the acts made in the Affemblyes of befor, anent the discharging of particular applicationuns to be made in the exercisef; and of the forbidding of young men not admittit to the Ministrie to preach in the cheife places of the countrey ; and ordaines the same to be put in executioun, under the paine of incurring the censures of the Kirk. C. & B.]

Sessio 4<sup>a</sup>. 15 Maij.

The Affemblie adjoynes the Presbitrie of Kirkudbright to the Ministrie of Nithisdaill, ay and quhill ther be sick a number of kirks plantit within the faids bounds as may constitute a launfull Presbytrie among themselves.

The Affemblie ordaines the Commissioners to recommend vnto his Ma-

jeftie the provisio[n] of competent livings to the faids kirks; and nominatis Mrs Johnne M<sup>c</sup>Birney, George Greir, and William Airthur, to be plantit therat.

Anent the questioun referrit fra the Presbytrie of Couper to this present Assemblie, concerning the caufe perfewit be the said Presbytrie aganis Elizabeth Pitcairne, for fatiffacioun of the adulterie committit be her, and provin against her, conforme to the decret of the forsaid Presbytrie; quhe being vrgit to fatiffie the Kirk therfor, product ane decret of adherence obteinit against her husband befor the Commissars of Edinburgh, ordaining her husband to adhere to her, and be consequence exonering her of adulterie: The Assemblie ordaines the Presbytrie to put thair awin decret to execution, notwithstanding the decret of adherence.

Anent the citatioun vfit be the Presbytrie of Couper aganis the auld Laird of Kynneir, to have anfuerit for the abusing of Mr Robert Inshaw, Minister of Kilmanie, in the folementizing of the mariage of his dochter, and in antedating of ane testimoniall fent to Mr Henrie Balfour, Minister at Collesfie: The Assemblie, in respect of the Laird of Kynneirs absence, referris the tryall of the faid matter to the Presbytrie of Couper.

Sellio vltima. 16 Maij.

It being meanit be fundrie of the brethren, that there was fundrie errors that merited to be correxit in the vulgar translatioun of the Byble, and of the Psalmes in meeter; as also that ther are fundrie prayers in the Psalme Booke qubilk wald be altered, in respect they are not convenient for the tyme: In the qubilk heids the Assemblie hes concludit as followis:

Firſt, Anent the translatioun of the Byble: That every ane of the brethren quho hes best knowledge in the languages, employ thair travells in fundrie parts of the vulgar translatioun in the Byble, that neids to be mendit, and to conferre the fame together at the Assemblie.

Anent the translatioun of the Psalmes in meeter; It is ordainit, that the fame be revisit be Mr Robert Pont, Minister at Sanct Cuthberts Kirk, and his travells to be revisit at the nixt Assemblie.

It is not thocht good that the prayers alreadie contenit in the Psalme Booke be altered or delatit; bot if any brother wald have any vther prayers

eiked, quhilke are meit for the tyme, ordaines the same first to be tryed and allowed be the Assemblie.

The Generall Assemblie, for causes and consideratiouns moving them, hes ordainit Mrs James Balfour, Walter Balcanquell, and William Watson, to be tranportit out of thair awin places of thair Ministrrie in Edinburgh, and plantit in such places as the Commissioners deput be this present Assemblie think expedient: And lykewayes ordaines the said Commissioners to plant such vthers of the Ministrrie in thair places in the Kirk of Edinburgh, as falbe found expedient for the advancement of the glorie of God within the fame.

The Commissioners for the Towne of Edinburgh, viz. Jolne Johnstoun and George Heriot, protestit in the name of the said Towne, that seeing the Generall Assemblie hes ordainit thair Ministers above namit to be tranportit furth of Edinburgh, the said Towne fould be frie of thair burdein fra this tyme of thair present transporation; and that the said transporation fould not be prejudicall to them in any tyme heirafter, bot that they might be reponit in thair awin places, quhen it fould please his Majestie and the Kirk to lyke weill therof: quhilke protestatioun his Majestie and the haill Assemblie willinglie aggreet vnto; quhervpon the said Commissioners askit instruments.

The Assemblie hes ordainit, that, in every Assemblie to be conveinit in all tyme comeing, such as fall happen to be appointit Commissioners from the Generall Assemblie to indure quhill the Assemblie nixt therafter, fall give ane accomp of thair proceedings dureing the haill tyme of thair commissioun, in the beginning of the Assemblie, befor any vther cause [or matter] be handlit; and thair proceedings to be allowit or disallowit as the Assemblie fall think expedient.

The Generall Assemblie having rypelie weyit the necesstie of the appointing Commissioners fra this present Assemblie, not only to advyse and awaite vpon such affairs as falbe for the weill and vtiltie of the Kirk of God, bot also for giving advyle to his Majestie anent the halding furth of the enemies of the famein, quhen they falbe requyrit be his Hienes therto: Therfor, the brethren conveinit in this Assemblie hes givin and grantit, lykeas, be the tenour heirof, gives and grants thair power and commissioun to thir brether, viz. Mrs Alexander Dowglas, Jolne Strauchane, Peter Blackburne, George Monro, James Nicolson, Andro Leitch, Alexander

Forbes, Patrick Simfone, William Couper, Alexander Lindfay, George Glaidstanes, William Scott, Johne Caldeleugh, Robert Wilkie, David Lindfay, Robert Pout, Johne Spottiswood, Johne Hall, James Law, Johne Knox, Johne Abernethie, Johne Hay, Gawin Hamilton, Alexander Scrymgeour, David Barklay, and the Kings Majesties Minifters, or any nyne of them ; giveand, grantand, and committand vnto them thair full power to plant fuch kirks in Burrow Townes as are deflitute [of Pastours] in generall, and fpeciallie to plant the Kirk of Edinburgh, quhich is vacand be transfortatioun of the Miniflers therof ; with power also to plant Mrs James Balfour, Walter Balcanquell, and William Watsone, Miniflers transfortit out of Edinburgh, with his Majesties advyce, in fuch convenient places as they fould find expedient for the glorie of God ; with power also to transport any of the Miniftrie within the realme from thair awin places quher they presentlie ferve, and to plant them in the faid vacand places of the Kirk of Edinbnrgh ; in the planting quherof they fall take the advyce of the Presbytrie of Edinburgh, according to the acts and statutes of the Generall Assembly made of befor :

Attour, If it fall happen the Kings Majestie to be greivit at any of the Miniftrie for quhatsoevir enormtie committit be any of them aganis his Majestie, with power to them, or any nyne of them, as said is, to try and cognosce therupon, and to take fuch ordour therament as they fall find most meit to the glorie of God and weill of his Kirk :

And, finallie, with power to them to prefent the greives and petitionis of this present Assembly to his Majestie and Secretit Counsell, and generall Conventionn of the Estates and Parliaments, if any fall happen to be ; and to crave redrefse of the famein : Promitten de rato.

The Assembly ordaines Mrs James Nicolsone, James Robertfone, Alexander Lindfay, and William Couper, to take tryall anent the vnioun of the kirk of Forgundie to the paroch of Arngofk ; and if they find the famein to have bein done of auld, and [to be] commodious for the peiple, to ratifie the fame.

Forfameikle as, in the Generall Assemblies haldin of before, it hes bein verie wifelie confidderit, that ther hes bein nothing more profitable for advancing of the glorie of God by the preaching of the Gospell, then appointing of Commissioners for every schyre within this realme, whose care and diligence fould be partly to try the life, doctrine, and manner of converfatioun of the Miniftrie in the bounds committit to thair vilitatioun ; and partly to

plant the kirks quhilke as get ly destitute of the eomfort of the Word, be dealing with such as hes the Kirk livings in thair hands, for ane reasonable moyen to fustaine a Minister at every kirk within this realme : quhilke lovable custome this present Assembly being myndfull to profeente, therfor hes givin and grantit, lykas, be the tenour heirof, gives and grants thair full power and commissioune to thir brethren, [to visit the bounds particularly after specified,] viz. to Mrs Robert Pont and Robert Durie for Orkney and Zetland ; to Mr George Glaidflanes for Cathnes and Sutherland ; to Mrs Alexander Dowglas and Alexander Rawfone for Roſs ; to Mrs George Hay and Andro Crumbie for Murray ; to Mr George Glaidflanes for Aberdein ; for Angus and Merns, Mrs Robert Wilkie and James Nicolsone ; for Perth and Stratherne, Mrs Thomas Dowglas and Johne Fairfull ; for Fyfe, Mrs James Nicolsone and Robert Howie ; for Louthian, Mrs Patrick Simfone and Harie Livingſtoun ; for Mers and Teviotdale, Mrs James Gibfone and Adame Colt ; for Cliddisdaill, Mrs David Lindsay and Johne Spottiswood ; for Irwing and Air, Mrs Gawin Hamiltoun and Andro Knox ; for Annandail, Mrs Johne Knox, Patrick Shaw ; for Nitheſdale and Galloway, Mrs David Barclay, Alexander Scrymgeour, and Nathaniel Inglis : with power to them to try the brethren of the Ministrie within the bounds particularlie above delignit, in thair lyfe, doctrine, qualificatioun, and conuersatioun ; and how they have behavit themselves twiching the rents of thair benefices, whither they have fett tacks of the same, but consent of the Generall Assembly, or not, and so dilapidat the same ; to depose such as deferves depositioun ; to plant Ministers in such places as hes not bein plantit heirtofor : and to that effect to deale with the takſmen of every paroch kirk for provisioun of ane Minister to thair kirks ; and to report to the nixt Generall Assembly anſuer of the takſmen in write, containing the planting of the kirks quherof they poſſeſſe the teinds ; and to report thair diligence to the nixt Assembly ; Promitten de rato.

The nixt Assembly is appointed to be haldin at Sanct Androes, the last Tueſday of Julij, the geir of God 1602 geirs.

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[The General Assembly appointed to be haldin at Sanct Androes the last Tueſday of July, was prorogued by the King to the tenth of November by proclamations at the Mercat Croffes. C.]

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A.D.MDCII.

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THE Generall Assemblie of the Commissioners from the Presbitries of  
the Kirk of Scotland, holdin at Halierudehous the 10 of November  
1602 : In the quhilk, the Kings Majestie being personallie present,  
were conveinit the Commissioners following.

COMMISSIONERS WITH THE KING.

The Secreitar.  
Thefaurer.  
Collectour.

Comptroller.  
Sir Patrick Murray.

For the Ministrie.

ORKNAY.

Mr Robert Pont.

CATHNES.

Mr George Glaidstanes.

ROSE, MURRAY.

Mr Alexander Rawfone.

## ABERDEIN.

Mr Peter Blackburne.	Mr Johne Ross.
Mr Archibald Blackburne.	Mr James Milne.
Mr David Rait.	Mr Abraham Sibbald.
Mr Richart Ross.	Mr Alexander Hay.
Mr John Strauchane.	

## MERNES.

Mr John Erskine.	Mr James Sibbald.
Mr Alexander Forbes.	

## BRECHINE.

Mr Andro Leitch.	Mr Jofua Durie.
Mr Johne Merschell.	

## ABERBROTHOCK.

Mr Patrick Lindsay.	Mr Henrie Philip.
Mr Arthur Foothie.	

## DUNDIE.

Mr Robert Howie.	Mr Andro Clayhills.
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## MEGLE.

Mr James Andersoun.	Mr David Browne.
Mr Johne Barclay.	

## PERTH.

Mr James Ross.	Mr Alexander Hoome.
Mr Archibald Moncreiff.	Mr Johne Edmestoun.
Mr William Row.	Mr William Glasse.
Mr Adame Ballandyne.	Mr Silvester Rattray.

## SANCT ANDROES.

Mr James Melvill.

Mr Robert Durie.

Mr John Carmichell.

## Vniversitie Therof.

Mr James Mertin.

## COUPER.

Mr Thomas Douglas.

Mr William Cranftoun.

Mr Robert Buchannan.

## KIRKADIE.

Mr William Scott.

Mr David Spens.

Mr Johne Michelfone.

## DUMFERMLING.

Mr Johne Fairfull.

Mr Edmond Myles.

Mr Johne Cauden.

## EDINBURGH.

Mr James Balfour.

Mr William Aird.

Mr Walter Balcanquell.

## LITHGOW.

Mr Thomas Peebles.

Mr George Inglis.

Mr Robert Cornwell.

## DALKEITH.

Mr George Ramsay.

Mr Adam Colt (Scot?)

Mr Archibald Simfone.

## HADDINGTON, DUMBAR.

Mr Edward Hepburne.

Mr Richard Ogill.

## PEBLES.

Mr Johne Ker.

## MERS.

Mr Johne Clappertoun.

Mr William Clerk.

Mr Tobias Ramsay.

Mr Johne Knox.

Mr William Methven.

Mr James Dais.

Mr Alexander Gaites.

Mr Johne Smith.

Mr Johne Abernethie.

## GLASGOW.

Mr Andro Boyd.

Mr Williame Levingstoun.

## VNIVERSITIE THEREOFT.

Mr Patrick Sharp.

## PAISLAY.

Mr Johne Hay.

## DUMBARTAN.

Mr William Simfone.

## HAMILTOUN.

Mr Johne Howifone.

Mr Patrick Walkinschaw.

## LANERICK.

Mr William Birnie.

Mr Robert Bannatyne.

## AIR.

Mr George Dumbar.

Mr Johne Welsch.

Mr Nathan Inglis.

## IRWING.

Mr Hew Fullertoun.

## DRUMFRIES.

Mr Robert Hunter.

Mr Richard Browne.

Mr Johne Browne.

## KIRKKUBBRYT.

Mr William Hamiltoun.

## WIGTOUN.

Mr Robert Wallace.

Mr Mathew Reid.

## BURROWIS.

## EDINBURGH.

Mr Johne Robertsone.

Mr George Heriot.

## DUNDIE.

Mr William Fergufone.

## SANCT ANDROES.

Mr William Russell.

## LEITH.

Mr Jerome Lindfay.

Mr David Orok.

## BRUNTINGLAND.

Patrick Greiff.

## COMMISSIONERS OF THE GENERALL ASSEMBLIE.

Mr Alexander Dowglas.

Mr Robert Wilkie.

Mr George Mouro.

Mr David Lindfay.

Mr James Nicolsone.

Mr Johne Hall.

Mr Patrick Simfone.

Mr James Law.

Mr William Couper.

Mr Gawin Hamiltoun.

Mr Alexander Lindfay.

Mr Alexander Scryngeour.

Mr Johne Spotifwood.

Mr David Barklay.

Mr Johne Calcleugh.

## Acta Sesione prima.

Exhortationn being made be Mr Johne Hall, Moderatour of the last Assembly, the Assembly, after the accuslomit manner, proceidit to the election of the Moderatour of this prefent Assembly; and, after nomination of the brethren following, viz. Mrs Patrick Sharp, Patrick Galloway, James Balfour, and Johne Carmichaell, out of the quhilke number the Moderatour fould be chosin; be pluraltie of votis the said Mr Patrick Galloway was chosen Moderatour hac vice.

The houres appointit to convention, to be nyne houres of the morning for the privie conference; and elevin houres for conveining of the Assembly, and to fitt quhill four houres afternoone.

The Aſſeffours appointit to conveine with the Moderatour in the privie

conference, for treating of such things as are to be concludit in the Assembly, are Mrs Johne Hall, Robert Pont, George Gladstones, David Lindsay, Alexander [Rawfone,] Peter Blackburne, Johne Strauchan, David Rait, Alexander Forbes, James Nicolfone, Robert Howie, James Melvill, Robert Wilkie, Johne Carmichael, Alexander Lindsay, William Glaffe, Patrick Sharp, James Balfour, Walter Balcanquell, James Law, Johne Spottiswood, Johne Clappertoun, John Knox, David Barklay, William Hamiltoun, Nathaniel Inglis, Johne Hay, Andro Lamb.

Seslio 2<sup>a</sup>. Eodem die.

The faid day, being callit Mr George Glaistanes, Minister of Sanct Androes, quho was direct be the laist Assembly to have remained for ane quarter or halfe ane geir with the Marqueis of Huntlie, to the effect that, be his travells and labours, the faid Noble Lord and his familie might be informit in the Word of Trueth prefentlie profest within this realme, and the enemies therof debarrit from his companie, to give ane accompt of his diligence in the faid commissioune, the faid Mr George compeirand, declarit, that, at the tyme of his journeying northward for visitationn of the Prelbytries of Cathnes and Sudderland, he addreſſt himſelfe to the Marqueis of Huntlie, and remained with him the ſpace of thrie dayes, duering the quhilk tyme he conferrit with him amēt the contraverſit heids of religioune, and defyrit of his Lordhip that he wald flew him quherin he donbit, that to the effect be his conference he might be refolvit of ſuch heids quherof he was not as yet fullie ſatiffied, qubilk his Lordship promifed to doe at his back coming: and lykeways having demanded, why his Lordships kirks were not plantit, and why he refortit not to the preaching at the ordinar tymes in paroch kirks?

To the firſt he anſuerit, That the non planting of his kirks proeids vpon the not giving licence to the Perfons of the faids kirks to renew his taks, conforme to the promife made to his Lordship be the Commiſſioners of the Assembly, at the tyme that his Lordship grantit to the augmentation of the rents of the faid kirks.

As to the fecond, He could not weill refort to the paroch kirks, partlie, in reſpect of the meane rank of ſuch as were within the paroch, and partlie, in reſpect his Lordships predeceſſours were in vfe to have a chappell in

thair awin house, quhilk he was myndit to prosecute now, seeing he was presentlie repairing [to] his house of Strathbogie.

The faid Mr George being demandit, why he made no longer residence with his Lordship, conforme to his commissioun, answerit, that he could not, becausse the Marquis of Huntlie was vpon his voyage southward, at his Majesties direction, for reconciliatioun of the feid betuixt him and the Erle of Murray ; quhilk feid was the cause that his Lordship could not communicat.

Being callit lykewayes Mr Alexander Lindsay and William Couper, Commissioners appointit be the laist Assemblie to awaite vpon the Erle of Erroll for the effect forsaide, compeirand Mr Alexander Lindsay, declairit, that he had awaitit vpon the faid Noble Lord dureing his remaining in the Carse of Gowrie, and that he fand him a diligent heirer of the Word : and having requyrit of him, if he doubted of any thing, his Lordship answierit, That, at the tyme of his reconciliatioun, he did the samein vnfainedly, and had castin all feruples away. As concerning the planting of his kirks, that he had provydit the samein of his awin benevolence ; and that he wald communicat at sick tyme as the sacrament fould be ministrat at any of his awin kirks, quherat his residence fould be for the tyme.

Being callit Mr Johne Spottifwood and James Law, Commissioners appointit to awaite vpon the Erle of Angus, Mr Johne Spottifwood excusit himselfe, becausse he was directit be his Majestie to awaite vpon the Duke of Lennox in his ambassadrie to France ; in respect quherof, Mr James Law, being appointit Commisioner conjunctlie with the faid Mr Johne, could doe nothing him alone : but becausse it was reportit be the haill brethren of thefe parts quher the said Erle does haunt, that he did neither report to the heiring of the Word, nor participatioun of the sacraments, bot, be the contrair, maintaninit profest enemies to the religioun in his companie, sick as ane Mr Charles Browne ; therfor, to advise in the conference for remeid therof.

Being callit Mr John Carmichaell, Commissioner appointit to awaite vpon my Lord Hoome, declarit, that he execute no part of his commissioun, be reasoun of the faid Lords absence foorth of the countrey.

The lyke excuse was vfit be Mrs David Lindsay and Johne Hall, quho were appointit to await on my Lord Herreis, in eace that he repairit to Edinburgh, declairing, that the said Lord remainit but a verie short spase in the faid towne.

Anent the Commisioners appointit be the last Assemblie to awaite vpon the constant platt: My Lord Collector being present, declarit, that the stay of that worke proceidit vpon the default of the Presbytries, quho, for the most part, had never returnit answier of his Majesties letters direct be his Commissioners of the constant platt, without the quhilke they could not proceid: and, therfor, the Assemblie ordaines fikk as had not reportit thair answiers, to produce them the morne.

Anent the Commisioners appointit for visitatioun of Presbytries: The Assemblie ordaines them to give in thair diligence in wryte the morne, that the famein may be tryit and confidderit be the Assemblie. And because ther hes been flack, or no executioun of fikk Comissions in tyme bygane, be reason of carlefnes of fikk as were appointit to accept the fame: Therfor, it is ordainit, that, in tyme comeing, fikk as falbe appointit Commissioners, fall accept the commissiounes on them, and promise be thair aithes, in face of the Assemblie, to doe thair honest and faithfull diligence in the executioun therof; and to report the famein to the nixt Assemblie in wryte, vnder the paines conteinit in the acts of the Generall Assemblie.

Being callit the Commisioners of the Generall Assemblie to give ane account of thair procedings sen the last Assemblie, they were ordainit to give in thair diligence in wryt the morne.

The quhilks things being confidderit be the haill Assemblie, it was thocht most expedient, that certaine qualified persons be chosin out of the Ministrerie, for planting of such parts of the countrey as are destitute of the Word of God; and spaciallie, that qualified men be chosin out to be appointit Ministers to the particular families of the said Noblemen: and lykewayes that the catiouners of these quho were suspect of religioun, and were ordainit be his Majestie to passe off the countrie, be straitit conforme to thair band, and spaciallie for Patrick Butter, Patrick Mortimer, and vthers, and themselves [to] be lykewayes chargit for breaking of the said band.

Seffio 3<sup>a</sup> 11 Novembris.

Anent the summounds raisit at the instance of the Provinciall of Lowthiane and Tweddall, aganis Dame Helenour Hay, Countes of Lithgow, makand mentioun, That in the proesse of excommunicatioun led and deducit against her, be the Presbytrie of Lynlithgow, sho made appellatioun

from the said Presbytrie to this present Assemblie, and therfor ordaining her to be summondit to [compeir besor] this Assemblie, the thrid day therof, to prosecute her appellatioun, with certificatioun, and the failȝet, the Assemblie wald allow of the proces led and deduceit aganis her be the said Presbitrie, as at mair length is conteinit in the saids summonds, of the dait, at Edinburgh, the 3 of November 1602: The same being callit, the Assemblie continues the same in the selfe same force and effect to the morne.

The brethren appointit for vilitatioun of the Prefbitries in the last Assemblie, quho were ordainit this day to produce thair diligence in wryte, being callit, compeirit Mrs David Lindsay and Johne Spottiswood, Commissioners for Cliddisdaill; Mr Andro Knox, Commissioner for Air; Mrs James Nicolson and Robert Howie, Commissioners for Fyfe; Mr Robert Durie, Commissioner for Orknay; and Mr George Glaiddstanes, Commissioner for Cathnes; and producit thair diligence in wryte. The rest of the saids Commissioners either were not present, or had done no diligence. Quhilks diligences producit, the Assemblie ordainit to be visited be the brethren, Mrs Johne Hall, Walter Balcanquell, Patrick Walkinschaw, Archibald Moncrieff, and James Anderlon, and therafter to report what they have found in it to the haill Assemblie.

The said day, the Commissioners quho were appointit in the last Assemblie, for planting of burrowes tounes vacand, and awaiteand vpon his Majestie, quho were ordainit this day to produce thair diligencie [and proceedings in wryte,] to the effect they might be tryit be the brethren, and either allowit or disallowit, [conforme] as they deserved, being callit, they compeirit; and, in name of the rest, Mr James Nicolson, Minister at Migle, producite thair haill proceedings in wryte; quhilk being [openly] read in presence of the haill Assemblie, and the brethren being demandit be the Moderator, if they had any thing to say against the samein, or against them in any vther heid quhatfumevir: Efter the particular votes of every ane of the Commissioners was speirit, the Assemblie allowit of the said proceedings, and thankit God for the same.

The quhilk day, the brethren conveinit in this present Assemblie having confidderit, that nothing is more necessar for the advancement of Gods glorie and his true religioun within this realme, then that the cheife rowmes and places within the countrey, such as are noblemens houes and families, be plantit with learnt and discreit Pastours, able not only to instruct and confirm the said noblemen, thair wyves, children, and families, in the true

feare of God, and heids of sincere religiou恩 profest presentlie within this realme, bot also quho may, be thair provident care and diligence, procure that the families of such noblemen be not corruptit with the companie and banting of profest Papists, Jesuites, [and vther] Seminarie Priests, quho goes about daylie to smore and put out the spunks of true religiou恩 and knowledge of God kindlit in the faids noblemens hearts ; and because presentlie such men cannot be found to vndertake the charge of the faids noblemens houes, as said is : Therfor, the Affemblie hes thocht good, that, for a tyme, brethren meitell for the purpose fould be borrowit from thair awin places, to remaine for the space of a quarter of ane geir continuallie with the faids noblemen, be whose labours in the meane tyme, quhill ane constant and permanent provisioun may be found out for the planting of these rowmes, the faids noblemen and thair families may be confirmit in the trueth, and the enemies therof debarrit from thair companies ; and therafter to return to thair awin charges ; and in the meane tyme, that the Prefbitries take ordour that thair places be furnischt dureing thair absence : And, therfor, they have electit and nominat the brethren following to awaite vpon the faids noblemen dureing the space forsaid, viz. Mr William Scott, Minister at Kennoquhy, to remaine with the Marqueis of Huntlie ; for the Erle of Erroll, Mr Alexander Lindsay ; for the Erle of Angus, Mr James Law ; for the Lord Hoome, Mr John Carmichaell ; for the Lord Maxwell, so long as he remaines in the Caste of Edinburgh, Mr Henrie Blyth ; for the Lord Hereis, Mr Robert Wallace ; for the Lord Semple, the Prefbitrie of Irwing, so long as he remaines within the same ; and in eace he remaine within the Prefbitrie of Paislay, the said Prefbitrie to awaite vpon him ; and lykewayes for the Erle of Sutherland, the Prefbitrie of Edinburgh, in eace he make his refidence within the same : And in eace any of the noblemen make their refidence any tyme in Edinburgh, or within the Prefbitrie therof, the Affemblie ordaines the Prefbitrie of Edinburgh to direct twa brethren of thair number, with the lyke power as the brethren above specifeit, to awaite vpon every ane of the faids noblemen that falbe found resident within thair Prefbitrie : quhilks brethren forsaid, and every ane of them, fall receive the articles in wryte fra this Affemblie, quherin they fall travell with the faids Noblemen. Quhilks articles the Affemblie ordaines to be pennit be Mrs James Melvill, James Nicolson, Johne Carmichaell, Patrick Galloway, William Scott, and Alexander Lind-

say, to be givin in the morne to the Assemblie, that the brethren may consider the famein. The tenour quherof followis.

Instrucciouns for the brethren appointit be the Generall Assemblie to attend vpon the Marqueis of Huntlie, the Erles of Angus and Eroll, the Lords Hoome, Herreis, and Maxwell.

First, *ȝe* fall addresse gourselvés with all convenient diligence and necessar furniture to entir in thair companie and families, ther to remaine still with them for the space of thrie monethis continnall; dureing the quibilk tyme *ȝour* principall care falbe, by publick doctrine, by reiding and interpretationoun of the Scriptures ordinarlie at thair tables, and by conference at all meitt occasiouns, to instruet themselves in the haill grounds of true religioun and godlinefs, speciallie in the heids controvertit, and confirme them therin.

2. Take paines to catechise thair families ordinarlie every day, once or twyle at the leist, or so oft as may serue to bring them to some reaonable measure of knowledge and feiling of religioun, befor the expyryng of the tyme prefervit for *ȝour* remaining ther; and let this action begin and end with prayer.

3. Preafe to have thair houfes purgit of all persons living inordinately, whose evill example might be a flander to thair professioun, speciallie such as are of suspe<sup>c</sup>t religioun, and found any wayes busie in traffiqueing aganis the truetb, and quyvetnes of the estate of the countrey; and be carefull to have all sick persons furth of thair houfes and companie.

4. Travell to have thair kirks plantit with sufficient provisioun of stipends, and weill qualified persons; and procure, that, be thair authoritie and assistance, the discipline of the Kirk may have execution within thair bounds.

5. Perf Wade them to make honest provisioun of stipends for the intertainment of resident Pastours at thair houfes and cheife dwelling places; and to make choise of learnit, grave, and wylle Pastours, to be plantit therat.

6. Urge performance of the articles aggreet vpon and subscryvit at the tyme of thair reconciliatioun, and regillrat in the booke of the Assemblie, quheroutof *ȝe* fall extraet them.

7. Informe the Kings Majestie fra tyme to tyme, how they have profited,

and quhat companie resorts to them, and quhat dispositiouns thair companies are of.

Quhilks articles being red in audience of the Assemblie, the brethren approvitt the famein, and ordainit them to be insert, with the commissioun given to the Ministers appointit to remaine with the saids Lords, in the bookes of the Assemblie.

The brethren appointit to vistite the diligence of the visitours appointit in the last Assemblie, finds fault, that in all thair diligences produceit, except of Caithnes and Fyfe, the visitors hes not exactlie tryed the lyfe, doctrine, and conversatioun of every Minister at his awin kirk and be his awin flock, but nakedlie and flanderlie be a generall view at the Synodall Assemblies; quhilke the Assemblie finds fault with, and ordaines to be amendit in tyme comeing.

The quhilke day, the brethren conveinit in this Assemblie, having rypelie weyit how necessar it is, that ane general visitatioun be for inquyring in the lyfe, doctrine, qualificatioun, and conversatioun of every ane of the Miniistris in particular; the quhilke albeit it was committit to the charge of the vilitours appointit be the last Assemblie, nevirtheles they, or at the leaſt the moſt of them, hes done ſmall or no diligence in the execution of that profitable worke committit to thair charge, excusit partlie be infirmtie and feiknes, and partlie be vther necessar affaires, quherin they were employit, as they alledgedit: Therfor, the Assemblie, not willing that ſuch a necessar and profitable worke foulde want the awin good execution [and ſucceſs,] hes nominat, and be thir prefents nominatis thir brethren following, thair verie laufull Commiſſioners for vilitatioun of the bounds vnderwrytin, every ane of them for thair awin parts, as they are particularlie deſignit; viz, for Orknay, Mr Robert Pont; for Cathnes and Suderland, Mr George Glaidſtanes, Mr Alexander Rawfone; for Rofs, Mr David Lindſay; for Murray, Mrs Peter Blackburne, Abraham Sibbald; for Aberdein, Mrs William Scott and Alexander Lindſay; for Angus and Mernes, Mrs Robert Wilkie and James Melvill; for Perth and Striveling, Mrs James Martin and Johne Caldcleugh; for Fyfe, Mrs James Nicolson and Robert Howie; for Lauthiane, Mrs Patrick Sharp, Johne Couper; for Mers and Teviotdaill, Mrs Johne Carmichaell and James Law; for Cliddifdaill, Mrs Johne Spottiswood, William Airthur; for Irwing and Air, Mrs Andro Boyd, Johne Hay; for Nitheſdaill and Annandaill, Mrs Johne Knox, Patrick Shaw, and Johne Smith; for Galloway, Mrs Johne Welfsh, Hew

Fullertoun ; for Argyle, Mrs Andro Knox, Andro Lamb : Giveand, grantand, and committand to every ane of them conjunctlie, and in case of feikneſſ of any ane of them, with power to the vther, &c. to try the brethren of the Miniftrie within the bounds particularlie above committit to every ane of thair charges ſpeciellie, in thair life, doctrine, qualificatioun, and converfatioun, and how they behave themſelves tuiching the rents of thair benefices, whither they have fett taks of the famein but conſent of the Generall Asſemblie, or not ; and ſo incurrit the cengeur of dilapidatioun ; with power alſo to try the Prefbitries within the faids bounds, if they have keipit thair ordinar conuentioun, and particular viſitatioun of thair awin kirks, and vfit and exercifeit all ſuch things as belongs to the Prelbitrie : with power alſo to them to try every particular congregatioun within the bounds committit to thair viſitatioun ; and generallie, to try every ane of the Miniftrie, Prefbitries, and Congregatiounis, conforme to the particular ordour of viſitatioun fett downe in this Asſemblie. And in case any fault or enormtie be found be them in any of the faids viſitatiounis committit to them, with power to cengeur the famein according to the aet of the Generall Asſemblie ; and as they proeid in thair faid viſitatioun, that they report thair haill proceſſe and diligence to the nixt Generall Asſemblie : Promitten de rato, &c.

Sessio 4<sup>a</sup>. 12 Novembris.

The faid day it being confiderit be the Asſemblie, that for inlake of ane conſtant and vniſorme ordour of viſitatioun of Synods, Prefbitries, and particular kirks, the labours and travells takin hitherto hes bein almoſt vnuprofitable and ineffectual : Therfor, that ane folid ordour may be takin and generallie obſervit in viſitatiounis in all tymes coming throughout the haill kirks within this realme, the Asſemblie ordaines the brethren following, viz. Mrs Robert Pont, Patrick Galloway, James Carnichaell, William Scott, Alexander Lindſay, to adyyfe anent the ſubiect of viſitatiounis, and the forme and ordour of proceſſe that falbe vfit in the fame in all tyme coming, and to produce the famein in wryte to the Asſemblie the morne.

The quhilk day the brethren haveand confidderit the great travells and paines takin be thair brother, Mr Johne Howefone, Miſter at Cambuſlang, in anſuering to Bellarmine in thrie fundrie volumes, and how profitable

the same wilbe to the Kirk of God, quhilke he presentit to the Assemblie, defyreing the same to be revisit be them, to the effect, if they be found worthie, they may be put foorth in print; they appointit the said worke, first, to be revisit be Mrs Robert Howie, James Nicolsone, and James Robertson; therafter, be Mr Andro Melvill; and laft, be Mrs Robert Pont and John Hall; and to report to the nixt Assemblie: quhilke booke are presentlie delyverit to Mr Robert Howie.

Anent the conftant platt: The brethren appointit to fitt therupon with his Majefties Commissioners being demandit, quhat effect thair travells had takin in the fame, they producit the conclusioun of the Commissioners of the faid platt, refolving in 3 heids, out of the quhilke ane foulde be chofen, as the moft ready way for effectuating the faid work; quherof the tenour followis.

Overtures of the Commissioners of the Plat to be advifit with his Majeftie.

If everie Ministers stipends being affignit out of the fruities of the Kirk quher he serves be the benevolence of the taksmen, that they fall grant to the augmentation of the faid stipend.

If ther falbe ane perpetuall securitie made to the faid taxmen of thair teinds, vpon a speciaill greiffome to be condicendit vpon for ilk chalder, for the space of xix geirs; and to be renewit geirlie therafter, for the faid space, for the lyke greiffome, upon this condition, that the faid principal tacksmen fall grant and renew the lyke securitie to thair subtaksmen, for payment of thair part of the faid greiffome pro rato, quher any subtaks are.

Or if the great benefices falbe provydit to Ministers vpon this conditioun, that all the kirks of the Prelacie be plantit with sufficient Paftours, and be provydit with competent livings, as the modifiers of the conftant platt fall think expedient, and he to pay the Kings Majeftie geirlie the tent part of the fruities of the faids benefices, quhilke fall refit by and attour the sustentatioun of the faids Ministers; and that all the inferiour benefices falbe provydit to Ministers serving the cure of the faids kirks, as weill Personages as Vicearrages.

Or if all the great benefices falbe diffolved, and the Prelat to have the principall kirk of the Prelacie with the temporal lands therof; and the refit of the kirks to be provydit with qualified Ministers; and the faid Prelate

and titulars of the faids kirks to pay ane geirlie duetie to his Majestie, as the benefice may beare at the ficht of the Commissioners forfaids.

Quhilk overtures beeand red in the ficht of the Assemblie, it was ordainit, that every Synod shold have a copie of them, to be advyfit therwith vntill the morne, that they might give thair advice to his Majestie, quhilk of the thrie were most meitt to be imbraceit.

Anent the referris and petitionis of the Synod of Fyfe givin in to this present Assemblie, to be advyied vpon be the famein : The brethren nominatis Mrs James Melvill, Johne Carmichaell, Robert Durie, William Scott, Johne Cowden, Johne Fairfull, James Nicolson, Andro Lamb, Robert Howie, Patrick Sharp, George Gladstones, and Johne Spottiswood, to conveine the morne at aucht hours, and advyse vpon answers for satisfaction of the faid petitionis, and to report the famen to the Assemblie.

### The Articles of the Synod of Fyffe.

1. It wald be meinit be the Generall Assemblie, that the Generall Assemblies are not ordinarlie keipit, notwithstanding of the acts of Parliament and Generall Assemblie, and necellitie of the tyme ; bot the dyetts therof altered without the knowledge of the Presbitries and Synods.

2. That Ministers are callit befor his Hienes Secret Counsell, in prima instantia, for doctrine and discipline ; quhilk is a great incouragement to the enemies.

3. That all applicationis in Exercises of Presbitries is found fault with, vnder pretence of the act of the Generall Assemblie ; the quhilk act therfor wald be fightit and cleirly interpretit.

4. That the government of the cheife matters of the Kirk continues in the hands of a few number, vnder the name of a Commission, to the prejudice of the liberties of the Synods and Presbitries.

5. That the Doctours bearing ordinar calling in the Kirk, be the discipline and custome therof, are debarrit from the Assemblies.

6. That the Assemblie hes takin no tryall hithertill, anent the cautiounis fett downe for avoiding of corruptioun in the Commissioners, [voters] in the Parliament.

7. That the absence of the Pastours of Edinburgh, [and the] alteratioun of the Ministrrie therof, quhilk was the cheife watch tower of our Kirk, hurts greatlie the cause of religioun, and encourages the enemies.

8. That ther is distraictioun of opinions different from that consent of hearts, quhilk hes bein in the Kirk befor, in weghtie caufes; and over little consideratioun, deliberatioun, and reasoning had, quherby conclusions passe, almost the halfe of the brethren gainfaying.

9. That the land is defylit, and the Kirk endamnagit, by the French Ambassadours mefs.

10. Excommunicat persons for Papistrie sufferit to haunt the countrey publicklie and peaceableie.

11. That the noblemen latelie relaxit fra excommunicatioun for Papistrie, gives no tokin of the professioun of the truelth, but rather the contrair.

12. That apprehendit Papists directiouns and letters are keipit cloſe; and the danger imminent therby to the Kirk not communicat to the watchmen, quherby they may make faithfull warning, and prevent the perrill.

13. That the discipline of the Kirk against murther, incest, and adulterie, is not practisid, [nor execute] with that holie severitie that becomes; notwithstanding of the frequent remissions obteinit be criminall perſons, for eschewing of civill punishment.

14. That the remedies sett downe aganis apprehendit dangers, at diverse tymes, and at diverse meitings of the Kirk, are not followed foorth.

Auent the act made of befor aganis sick perſons as abstaines from the holie communioun, either for Papistrie, or for the colour of deadlie feids: The Assembly ordaines, that every ane of the Ministrie keip this ordour following [within his kirk,] to wit, That he warne sick perſons, be the ſpace of      moneths befor the communioun, to compeir be themſelves for the famein; quhilk beand done, and they diſobey, that every Minister incontinent therafter fend the names of the diſobeyars ſubſcrivit with his hand to ane of his Majefties Minifters, quha fall intimat the famein to his Majeftie and his Hienes Thesaurer, to the effect that his Hienes Thesaurer may put the acts made aganis non communicants to executioun aganis them; and that everie Presbitrie command the Ministers within thair Presbitrie to be diligent in the execution of this act.

Beaſt it was meinit be the brethren, that the ſupplicatioun made in the laſt Assembly to his Majeftie anent the restraining of the libertie of noblemen and gentlemensfonnes, that paffes foorth of the countrey to ſuch places quher ther is restraint of the true religiouſ, Therfor his Majeftie declarit, in preſence of the haill Assembly, that he wald give a command to the Secrei-

tar, that he fould subferyve no warrand for passing of noblemen or gentlemens fones foorth of the countrey, except they first fand cautioune conforme to the tenour of the act made in the laist Assembly, anent passing of gentlemens fones foorth of the countrey.

The faid day, the Kings Majestie having declarit that it was requisite that his Hienes had another Minister adjoynit to his house, to the effect the Prince might be brought vp in the true religioun, Therfor the Assembly transports Mr James Nicolson from the kirk of Megle, and appoints him to be Minister at the Kings houfe, to the effect forsaide ; and ordaines him to entir in the faid function betwixt and the 15 day of Februar nixt to come, vnder the paine of deprivatioun, provyding he be first sufficientlie provydit by the Kings Majestie : And lykewayes ordaines Mr Andro Lamb to entir in his cure [in his Majesties house,] betuixt and the first of Januar nixt to come, vnder the faid paine.

Anent the planting of the kirks of Edinburgh : Johne Robertfone and George Herriot, Commissioners for the faid towne, being callit, declarit that for the present they had bot thrie kirks, quhilks alreadie were plantit with sixe Ministers ; and quhen as thair fourth kirk, quhilk is presentlie bigging, is compleit, they wald crave supplement of vther twa Ministers.

Sessio 5<sup>a</sup> 13 Novembris.

The brethren appointit for penning the forme and subiect of visitatioun of kirks, gave in thair advyce as followes :

The visitours fall appoint twa or thrie dayes for the tryall of every Presbitrie within the bounds of thair visitatioun ; and be the space of a moneth, or twentie dayes at the leaft, besor thair edictis, they fall make the Presbitrie acquaint therwith, and send them the edict following, to be publischit at every paroch kirk be some vther rother then the Minister, that it may be dewlie execute, reportit, and indorsit to the visitours, at the first dyett of [thair] meiting.

[This Edict was never formed. C.]

Let the Edictis be so directit be the Presbitries, that ane equall number

[fall to] be tryit in every ane of the dayes appointit for tryall of ilk Presbitrie ; and the Commissioners of congregatiouns to be chargit to thair awin dyetts accordinglie.

Try the estate, first, of every Minister particularlie ; therafter the estate of the congregatiouns and countrey ; and last the estate of the Presbitrie in generall.

### The particular tryall of Pastours.

Try ilk Pastour feverallie, in his graces, and habilitie to discharge his calling ; in his furniture of booke and necessar helps that may inable him in his calling ; with quhat fidelitie and prudence he discharges himselfe in doctrine and discipline, in his lyfe, and the estate of his living.

For this effect, inquyre first of the Commissioners of his congregatioun, quhat testimonie he hes of his awin Sessioun and remanent of his flock ; and in speciali if he be resident in his parochin vpon his mans and gleib ; if his awin lyfe and the government of his familie, be such as breids no offence, bot edifies his flock ; if he teaches every Sabbath once or twyse, and if he teaches any vther dayes in the week ; if he ministers the communiuon geirlie with due examinationis preceeding ; if he hes ane establishit Sessioun of Elders and Deacons ; if he keips a weiklie conventioun with his Sessioun for the exercise of discipline ; if he catechiseth weiklie a part of his parochin ; if he keips ane ordinar visitatioun of some families of his congregatioun weiklie ; if he visites the feik and distrest quhen occasioun requyres ; if he be carefull to take away all eyelists and variances that falls out in the congregatioun.

Therafter, if neid beis, let him be tryed be the opening vp of some place of Scripture, and be questiouns ; let it be inquirit of him, quhat helps he hes for the advancement of his studies ; if he hes the text of the Scripture in the originall languages, in cace he be fein in the tongues ; if he hes Tremellius translatioun of the Auld Testament, and Bezas of the New, with the vulgar Inglis translatioun ; if he hes the Common Places ; if he hes the Ecclesiasticall Historie ; quhat Commentaries he hes vpon the Scriptures, and specialiie vpon his ordinar text ; if he hes the Acts of the Counfell of [Trent ;] and quhat vther wryters of the controversies of religioune ; and if he vies the conference of brethren for his reformatioun in the doubts that he finds in his reiding, and of quhom ; if he hes ane ordinary course

of reiding the Scriptures, Ecclesiastical Histories, and Controversies ; if he makes any memoriall of his travells in wryte ; quhat is his ordinary text ; if he be provydit in the title of the Personage or Vicearage, and if he hes sett any tacks therof, to quhom, and on quhat conditioun ; in whose hands are the rents of his kirk ; and quhat is the best overture he can give for provisioun of a liperend therat, in case it be not alreadie sufficientlie provydit : and sicht the Sessioun Booke.

The brother beand removit, let the Presbitrie be inquyrir ane be ane, and declare vpon their conscience quhat they know auent his graces, fidelicie in doctrine and discipline, and auent his lyfe and conversatioun. After the quhilke tryall, let him be judgeit, and either allowit or admonisched ; or vtherwayes censured, as the cause requyres.

#### The tryall of the Congregatiouns.

Try every Minister particularlie, if ther be any Jesuites, Papists, Seminarie Priells, traffiquers against the estate of religioune and quyvetnes of the countrey, within thair congregatioun, or refetters of them : if ther be any witches, excommunicats, contraveiners of the discipline of the Kirk ; [if ther be any superflitious dayes keipit, be fetting out of banefires,] or vtherwayes ; if ther be any superflitious places of pilgrimages, wells, and chapells ; if ther be any non communicants ; [if ther be any] homicides, or deadlie feids ; if ther be any adulterers, or incestuous persons ; if the Sabbath be profaned be keiping of mercatts, or labouring, speciallie in the tyme of harvest : And as they find in the premisses, to take ordour for reformatioun of the points forfaids, or any part thereof.

#### Tryell of the Presbitries.

Let the Moderatour be inquyred, if they keip thair ordinar conventionis ; if they have thair monethlie discourse vpon the commoun heids and disputations ; if they [have] visitid the haill kirks within thair bounds sene the last generall visitatioun ; if they take ouklie and monethlie account of thair brethrens diligence in the discharge of thair dutie, by catechisifg and visiteing of thair families ; and sicklyke, if ther be any of thair number that be insolent, and will not acquiesce in the determinatiouns of his

brethren ; [if ther be any eyelist or divisioun amang the brethren ;] quhat vniplantit kirks are in thair bounds.

Quhilk forme the Assemblie thinks good, and ratifies and approves the famein ; and ordaines it to be vniversallie obserued in all tyme comeing, in all visitatiouns within this realme : and ordaines the power of the visitours to be direct conforme to the acts of the Generall Assemblie.

The faid day, the brethren appointit to vilite the petitionis of the Synodall of Fyffe, condiscendit vpon the answers following.

#### Answers to the Petitionis of the Synodall of Fyfe.

1. Finds, that the Generall Assemblies fould be appointit and keipit according to the act of Parliament, haldin at Edinburgh the 5 of Junij 1592 geirs, quherof the tenour followes, so farre as concerns that point : And ficklyke ratifies and approves the Generall Assemblies appointit be faid kirk ; and declares that it falbe lawfull to the Kirk and Ministris, everie zeir once at the leaſt, or oftener pro re nata, as occaloun and necellitie fall requyre, to hald and keip Generall Assemblies ; provydand that the Kings Majestie, or his Commissioners with them, to be appointit be his Hienes, being present at ilk Generall Assemblie befor the dissolving therof, nominat and appoint a tyme and place, quhen and quher the nixt Generall Assemblie fould be : And in eace neither his Majestie nor his faids Commissionniers beis present for the tyme, in that towne quher the Generall Assemblie beis haldin ; then and in that eace it falbe leifum to the faid Generall Assemblie be themselves to nominat and appoint tyme and place, [quhen and] quher the nixt Generall Assemblie of the Kirk beis keipit and haldin, as they have bein in vse thir tymes by past.

2. If his Majestie fall proceed aginst Ministris, according to his Majesties awin declarationn made and inactit in the Generall Assemblie haldin at Dundie [1597,] Session 10. the defyre of the fecond article is satisfied, and no vther thing meanit therby

3. Thinks it expedient, that the act anent the application in the Exercise be interpret not to be extindit to forbid the vsing of the Word of God in application to the general ends therof, quhilk is laufull to exercise after this manner : this heid of doctrine ferves for the refutatioun of such ane errour, for the rebuik of such a vye, for conforting of such a perfon in

such a case. And as for particular and personall applicatioun, leaves it to be advyſit, whether it falbe in tyme comeing or not, and how farre; and thinks it good, that this be reaſonit in the Prefbitries; and then [that] Commiſſioners [be] ſent with thair reaſons to the nixt Aſſemblie theranent; and, in the meane tyme, no innovation to be vſit anent personall applicatioun.

4. Let all commiſſions be givin and vſed from this [tyme] foorth, according to the acts of the Generall Aſſemblie.

5. Finds, that Doctours hes had, and may have, vote in the Generall Aſſemblie, they haveand a laufull commiſſion for that effect, according as it hes been found be the General Aſſemblie haldin at Edinburgh the 10 of May [1586,] and at 1581, quher it is found and declarit be the act of the Generall Aſſemblie, that Doctours ſould concurre with the Elders as brethren in all Aſſemblyes.

6. Let the caveats be looked to, and preceſſlie keipit in tyme comeing, vnder the paines conteinit in the acts made theranent.

7. Anſuerit in the Aſſemblie.

8. [Nothing to be done and concluded in Aſſemblyes, except it be ſufficiently reaſoned and deliberated. C.]

9. Acquiefes in the declaratioun of the brethren that hes ſpokin to his Majeftie theranent; and defyres Mr Walter Balcanquell to ſhew the fame to the Aſſemblie, and how the Prefbitrie of Edinburgh is ſatified in this point.

10. Let thair names be given vp, that his Majeftie may take ordour with them according to the lawis; and in ſpeciall with Captaine Halkerſtoun, Patrick Butter, Mr Alexander Leflie, Duncane Law, Thomas Browne, William Lellie of Conraig, and Patrick Mortimer.

11. Anſuerit in the Aſſemblie.

12. To acquieſce in his Majefties declaratioun heiranent, and [to] requeſt his Majeftie, that the Prefbitries be acquaint heiraſter, in ſuch caſe quher it falbe neidfull.

13. Quher ther is negligence in this point, let it be amendit heiraſter, according to the acts of the Aſſemblie.

14. Let farther diligence be vſit, quher negligence hes been.

Quhillks anſuers the Aſſemblie allowes of, and ordaines the famein to be infert in the Books of the Aſſemblie.

The quhilk day, the Generall Assamble haveand advyfedlie confidderit the necessitie of appointing Commissioners from this prefent Assamble, not only to awaite vpon such affaires as falbe for the weill and vtiltie of the Kirk [of God,] bot also to give advyse to his Majestie anent the halding furth [of the enemies] of the same, quhen they falbe requyrit be his Majestie therto : Therfor the brethren conveinit in this prefent Assamble hes givin and grantit, lyke as they, be the tenour heirof, gives and grants thair full power and commissioun to the brethren vnderwrytin, viz. Mrs Robert Pont, David Lindsay, George Glaidlanes, David Hoome, John Clapperton, John Knox, John Spottiswood, Alexander Lindsay, Robert Howie, John Hall, John Caldeleugh, John Strauchan, Andro Knox, Gawin Hamiltoun, James Law, Andro Boyd, Alexander Dowglas, Alexander Forbes, Andro Leich, Robert Wilkie, Patrick Sharp, Peter Blackburne, Patrick Simfone, with the Kings Miniters, or any nyne of them ; Giveand, grantand, and committand to them thair full power to plant such kirks in Burrowstounes as [is] or falbe destitute of Paftours :

Attour, If it fall happen the Kings Majestie to be greivit at any of the Ministers for quhatlumever enormiti committit be them against his Hienes, with power to them, or any nyne of them, as said is, to try and cognofce thervpou, and to take such ordour theranent as they fall think meitt to the glorie of God and weill of his Kirk.

And finallie, With power to them to present the greives and petitionis of this prefent Assamble to his Majestie and Secrett Counfell, and generall Conventionn of Estates and Parliament, if any fall happen to be ; and to crave redresse of the famein : Promitten de rato.

The said day, the Assamble, considering that the conventiouns of the peiple, espciallie on the Sabbath day, are verie rare in many places, espciallie be distraictioun of labour, not only in harvest and feid tyme, bot also every Sabbath, be fisching both of whyt fisch and salmond fisching, and of ganging of mylnes, [the Assembly dischargeth, and inhibiteth all such labour of fisching, as well white fishe as salmon fishe, and going of mylnes,] of all forts vpon the Sabbath day, vnder the paine of incurreing the cencures of the Kirk ; and ordaines the Commissioners of this prefent Assamble to meane the famein to his Majestie, and to defyre that ane pecuniall paine might be injoynit vpon the contraveiners of this prefent aet.

Anent the overtures givin in be the Commissioners of the constant plat, with the quhilke the brethren were ordainit to be advydit: After mature deliberatioun and voting, the Assemblie thinks the seconde overture most expedient to be acceptit, bearing the provisioun of Ministers to all Prelacies, with the condicouns therin conteinit, as is above exprest.

Anent the planting of the kirks within the bounds of Annandaill, quhilke hes bein defolat continuallie, sen the reformatioun of the religioune within this countrye: After that the Kings Majestie had made declaratioun of his godlie intent theraneit, how that his Majestie was myndit to cause the barrones and gentlemen of Annandaill, at their compeiring befor his Hienes, quhilke wilbe shortlie, find sufficient catione and sovertie for provisioun of reasonable and competent livinges to every one of the kirks within the bounds of Annandaill; and therfor desyreand that ane number of qualified men may be provydit for to enter in the Ministrie at the kirks within the saids bounds: The Assemblie ordaines every one of the Commissioners present to give vp the names of such persons quho are vacand within thair Presbitries, and willing to entir in the Ministrie, to the effect they may be exhortit and earnestlie dealt with be the Commissioners of the Generall Assemblie, quho shall plant them in places they think most meit, for to accept vpon them the cure of the saids kirks, how soone sufficient provisioun may be found out for them, and securtie for themselves: And in case that after all the discretionioun [be] vslit with them, they then refuse to accept the saids callings vpon them, the Assemblie declares that they falbe countit vncapable of the function of the Ministrie, ay and quhill they meine themselves to the said Commissioners, whose calling and direction they refused, and be content to be employed in any part they [fall] think expedient; and if they be already actuall Ministers, and craves transportatioun, if they refuse to be transportit to any of the saids vackand kirks, the Assemblie finds, that the libertie of transportatioun falbe denied to them, so that they fall remaine at the saids kirks, fra the quhilke they craveit to be transportit.

The names of such as are vacand.

BRECHIN.

Mr Hendrie Fullertoun.

Mr Dowgall Campbell.

Mr Thomas Hogge.

ABERBROTHOCK.

Mr Thomas Glover.

DUNDIE.

Mr David Lindsay. .

Mr John Scrymgeour.

SANCT ANDROES.

Mr William Wedderburne.

Mr Daniel Wilkie.

Mr Peter Bruce.

Mr David Kynneir.

PERTH.

Mr Thomas Ros.

Mr Alexander Balnevis.

Mr James Ros.

Mr Patrick McGreigour.

MERS.

Mr Johne Spotifwood.

Mr William Struther.

Mr Johne Gibfone.

IRVING.

Mr Robert Boyd.

Mr Malcolme Hamiltoun.

Mr James Montgomerie.

Mr Robert Frensch.

LANERICK.

Mr George Cliddifdaill.

Mr David Lindsay.

Mr David Roger.

Acta Sessione 6<sup>a</sup>. Novembris 1602.

Anent the supplicatioun givin in be Alexander Stewart of Gairlies, Pro-vest of Dumfreis, in name and behalfe of the Counfell and communitie of the faid towne, makand mentioune, that quher be the tranportatioun of Mr Hew Fullertoun, some tyme Minister at thair kirk, the estate of thair congregatioun is altogether desolate in sick fort, that for inlake of a Pastor quho fould attend vpon the flock, and to care the weill of thair soules, they are not only depryvit of the spirituall food and confort of the Word, but also thair towne is become a receipt of excommunicat Papists and Jesuites; defyreand therfor the Assemblie to consider thair miserable estate, and to provyde some qualified man to be thair Pastor; and in speciaill, ane of the leits given in be them, viz. [Mrs David Barclay,] William Airthur, Alexander Scrymgeour, William Watfone, Hew Fullartoun; promising that [not] only that they wold be reverent hearers of the Word, but also [that] they wold concurre with him and assist him that falbe nominat to be thair Pastor, in the execution of discipline of the Kirk to the vttermost of thair power; as at mair length is conteinit in thair supplicatioun: The Assemblie, after voting, hes chosin Mr William Airthur to be Minister at Dumfreis, quham they ordaine and appoint to be Minister at the faid kirk, after incalling on the name of God.

The faid day it was thought good be the brethren, to be meantit, that notwithstanding his Majesties good mynd and intentioun to have all the kirks within this realme sufficientlie plantit with Ministers with competent livings appointit for them; and albeit it was provydit be the act of Februar, and approvitt in Parliament, that all the thrids of benefices shold be applyed to the vse of the Ministrie ay and quhill the kirks were plantit, and that penfions givin [in prejudice] therof shold be null; yet be importune futeing, ane great part of the faids thrids are disponit in penfions, to the great hinderance not only of the present provisioun of Ministers, but also of the constaunt platt, quhilk his Majestie intends: Defyreing therfor that his Majestie were informit therof, and take such ordour, that the faids dispositions made in contrair the said act of Februar should be retreatit, and that command be givin to the modifiers of the platt of this instant geir, to affigne out of the faids penfions for planting of kirks, notwithstanding of faids dispositions: The quhilk his Majestie most willinglie grantit, and promist to stay all farther gifts in any tyme coming.

Item, The Assemblie thocht expedient to adjoyne and nominat vthers out of the number of the brethren to be adjoynit to these, quibilk were nominat be Commissioners of Provinces conveinit at Halierudehous, the 15 of October 1600 geirs, out of the quibilk number his [Majestie] fould make choise of such as he fould present to the benefices vacand. The names of them all are, as followes, Mrs Robert Pont, Robert Howie, James Nicolson, Alexander Scrymgeour, Johne Forbes, Gawin Hamilton, George Monro, James Robertfone, Johne Howifone, James Melvill, Andro Knox, Patrik Galloway, Alexander Dowglas, Alexander Lindsay, Robert Wilkie, Johne Spottiswood, William Malcolme, Alexander Forbes, Johne Knox, Andro Lamb, Johne Clappertoun, George Grahame, Robert Bruce, John Carmichell, Patrick Lindsay.

Anent the requeift made be the Moderatour, in name of the haill Assemblie, to his Majestie, in favours of Mr Robert Bruce: His Majestie declairit that he wald doe in that matter be the advyce of the Commissioners of the Generall Assemblie, and [as] Mr Robert be his awin behaviour fould give him occaion. And because Mr Robert Bruce had be his mislive direct to his Majestie befor his departure aff the countrey, as also be the ratificatioun and farther examinatioun and explanationioun therof, in wryte [at Sanct Johnstoun] the 26 of Junij 1602, declarit his resoltioun of his Majesties innocencie, and guiltines of the Erle of Gowrie and his brother, and promised to divert the peiple so farre as in him lay, from their lead opinions and vncharitable constructiouns anent his Majesties actiouns, namelic, in this turne: Therfor, his Majestie defyrirt the determinatioun of the Assemblie, Whither if the said Mr Robert fould lykewayes make the faue declaratioun in pulpitt, according as it is at length sett donne in the said mislive and explanationioun therof, at Perth, quherof the tenour followes.

Pleis your Majestie: Hearing that your Majestie was nothing relentit of the former wrath against me, and being now vpon the point to shew my obedience to your Majesties last charge, I could not omitt this as my last duetie, to intreat your Hienes clemencie, and to mitigate the extremitie of this intendit wrath. I am not ignorant of that speich, That the wrath of the Prince is the meflinger of death; so that I crave, that the Lord for Chrysfs sake may adde his bleffing, and worke effectuallie in your Grace, as he fall lie expedient for his awin glorie, and your Majesties perpetuall prefervatioun.

Then to be short : To shew my conformitie with the rest of my brethren of the Ministrie, as at all tymes, so now especiallie, to shew my reverence to your Majestie, and to cleir my suspe<sup>c</sup>t affectiouns heirin, I offer to give to the Father of our Lord Jesu Christ, in him, and through him, most heartlie thanks for all your Majesties delyveries from your cradle to this present houre ; but namelie, for that delyverie quhilke he gave to your Majestie, [at Sanct Johnstoun,] on Tuesday the 5 of August, farre above all our deserts, and your Majesties exspectacioun.

I offer also to flirre vp the peiple to that [fame] duetie, and also to divert the peiple so farre as lyes in me, from thair lewd opinouns, and vuncharitable construccioun of your Majesties actioun, namelie in this turne.

Finallie, Ther is no duetie that your Majestie can crave of me, without the [manifest] offence of God, and hurt of my awin conscience, but I will doe it with als good a heart as ever I did [any] thing in this earth ; that if by any meanes I might testifie my good affectioun to your Majestie my Soveraigne, and to enjoy my naturall aire, and such vther comforts as the Lord hes given me vnder your Majesties reigne, quhilke I most humblie crave of your Majestie ; besykeand the Lord to move your heart heirvnto for Chrysfs sake. So waiting of your Hienes answier in all humilitie, I take my leave.

Sic subserbitur,

Mr ROBERT BRUCE.

[And upon the back therof, At Perth the 25 of June 1600. C.]

Farther, Concerning the heids within conteinit, I am resolvit [of] his Majesties innocencie, and the guiltines of the Erle of Gowrie and his brother, according as it is declairit be the act of Parliament ; and therfor acknowledges the great mercie of God towards his Majestie, haill Kirk, and countrey, in his Majesties delyverance ; for the quhilke I thank God from my heart.

Sic subserbitur,

Mr ROBERT BRUCE.

The quhilke the baill Assemblie, after votting, thocht not only reasnable, bot also concludes, that the said Mr Robert aucht to doe the same.

Anent the supplicacioun givin in be Mr Robert Pont, Minister at Sanct Cuthberts Kirk, defyreand, in respect of his great age, and long travells takin in the Kirk of God, and continuall feiknes quhilke followeth age,

that he might be releivit from the ordinarie burdein of the teaching, vpon conditioun that he fall substitute ane in his place quhen through infirmitie he fall not be able to teach himselfe : The Assemblie thinks his fute reasonable, and therfor condiscendit to the fame.

Item, Because his Majestie declarit, that he was informit that fundrie of the Ministrie negle~~c~~tit that part of thair duetie towards his Majestie in not giving thanks to God for the wonderfull delyverie of his Majestie from the treasonabill attempt [at Sanct Johnston] of Johne fometyme Erle of Gowrie, and his brother, vpon every fyft day of Auguft : Therfor the Assemblie statutes and ordaines, that in all burrowtounes within this realme ther be ordinar preaching and teaching every Tueslday, in the remembrance of the delyverie of his Majestie that day of the weik ; and that every fyft day of August ther be preaching in every kirk within this realme, to burgh and to land, thankand God of his Majesties delyverance that day of the moneth.

And becanse the peiple in landwart parochines cannot be so easilie conveinit as in burrowtounes, therfor, and for [their] better conveining, it is ordainit, that everie Minister at everie landwart kirk fall, vpon the Sonday preceeding the fyft day of August, make intimatioun to his parochiners, that they conveine the faid day in the kirk with him, to thank God for his Majesties delyverance.

And to the effect that all ryotousnes, drunkennes, and vther filthie exercisef, may be restrainit, his Majestie promised to cause all infolencie in behaviour to be dischargit and forbidden every  $\geir$  be [open] proclama~~t~~tion, and Magistrats to take ordour with the contraveiners therof.

Item, The Assemblie ordaines, that no marriages be celebrate airlie in the morning, or with candle light ; and finds lykewayes, that it is leisun to celebrate the faid band of mariage vpon the Sabbath day, or any vther preaching day, as the parties fall requyre and think expedient ; and ordaines the same to be indifferentlie done ; and that no ryotousnes be vsed at the same vpon the Sabbath day.

Item, It is statute, that the facrament of baptisme be not refused to any infants, if the parent crave the fame, he giveand a Christian confessioun of his faith, vpon any vther particular pretence ; and specially, that baptisme be not delayit to certaine particular dayis.

Anent the supplicatioun givin in be Mr Edward Bruce, Commendatour, Abbot of Kinlof, makand mentioun, that quher he haveand ane tack and

affedatioun of the Kirk of Tarbet, sett be Mr John Monro, and Mr David Lindsay, Bisshop of Ros, the geirlie duetie quherof, albeit it extends only to the sowme of twa hundredth pounds, nevertheles [he,] for the better intertainment of the said Mr John, actuall Minister at the said kirk, hes confidcident to convert the faid sowme of twa hundredth pounds in ten (twa?) chalder of beir as for ane constant stipend to the said Mr John and his succeffours, Ministers at the said kirk of Tarbet, vpon conditioun that the Ministers of the Presbitrie of Ros, quhilk are of the Chapter of the said Bischopriek, wald ratifie and approve this tack of the said kirk, quhilk they wald willinglie doe, provyding the Asssemblies [eonfent] were obtainit therto, as at mair length is conteinit in the faid supplicatioun : The Generall Assemblie ratifies and approves the faids tack and affedatioun, sett to the said Commendatour, of the teinds of the said Kirk of Tarbet, as weill be the said Mr John Monro as be the said Mr David Lindsay ; and ordaines the brethren of the Presbitrie of Ros, quho are members of the said Chapter, to consent to the fame be thair fubscriptiouns ; beaufe they vnderstand the laid kirk to be fufficientlie plantit be the moyen forfaid.

Anent the supplicatioun givin in be Mr Patrick Carmichaell, Minister at Aberdoure, makand mentioun, that quher the Assemblie haldin at Montrois in Marche 1600 geirs, it was concludit, that Mr William Patoun fould serue the cure of both the kirks of Aberdoure and Dalgatie, and for his service fauld uplift the auld stipend of both the faids kirks, ay and quhill sufficient provisioun were made for planting of both the faids kirks ; and true it is that the said complainer is now plantit Minister at Aberdoure ; defyreand, therfor, to caufe the halfe of the said stipend to be dimittit to him be the said Mr William, in respect of his service at one of the faids kirks : The Assemblie finds [and deeerns] the haill stipend contravertit to appertaine to Mr William Patoun, Minister at Dalgatie, conforme to his assigntioun of the crope and geir of God 1601 geirs, except the Viccarrage of Aberdoure, quhilk they adjudgeit to pertaine to the said Minister at Aberdoure.

Anent the supplicatioun givin in be the north Paroch of Leith, makand mentioun, that quher the Presbitrie of Edinburgh hes eredit the said north Paroch of Leith in ane parochin, quhilk is also approvin be the Synodall of Lawthiane ; defyreand, therfor, the ratificatioun of the Generall Assemblie vnto the fame : The Assemblie ratifies and approves the erection forfaid in all points.

Anent the supplicatioun givin in be the inhabitants of the Ferrie of Scottiseraig, Garpat, Shamvall and Muirtaine, makand mentioune, That they being a great multitude, and farre distant from thair paroch kirk of Leuchars, they, with commoun consent of the haill parochiners, Prefbitrie of Sanct Androes, and Synod of Fyffe, bath erectit ane paroch kirk in the said Ferrie, and almost compleitit the fame, for the commoditie and vse of the peiple most adjacent thereto ; defyreand, therfor, the Assemblyes authortie to be interponit thereto, and to give power to the Prefbitrie to annexe fick villages as are most adjacent to the said paroch kirk : The Assembly ratifies the erectionoun forfaid, and gives power to the said Prefbitrie to the effect above wrytin.

Anent the supplicatioun givin in be ane Noble Lord, Alexander Erle of Lynlithgow, makand mentioune, That quher it hes pleafit the brethren of the laist Assembly to relaxe Dame Helenor Hay, his spoufe, from the sentence of excommunicatioun, and to injoyne certaine particular conditiouns to be obserued be her, quhilks conditiouns, albeit she, of the stubbornes of her heart, wald no wayes condiscend to obey, to his great greife and forrow ; nevertheless, the brethren fould have consideratioun of his hard estate, quho cannot, be no law, separate himselfe from her, notwithstanding that sho refuseth to heare and obey the wholesome voyce of the Kirk, calling her to grace in Jesu Chryft ; and the rather because he himselfe, as he hes continuallie and constantlie profest the trueth and religioun presentlie profest within this realme, so he hes vfed all meanes possiblie for bringing his spoufe to the true knowledge of the fame ; lykeas also he is readie to doe quhat lyes in his power, be all good meanes, to draw her to the trueth ; defyrand, therfor, the Assembly to pitie his daylie grieve, and shew him some favour in the mitigationoun of her punishment, and stayng of the censure of excommunicatioun aganis her, that he be not compellit to remaine in societie with her that falbe cutt off from the societie of the Kirk : The Assembly having confidderit the supplicatioun, continues the pronouncing of the sentence of excommunicatioun against her vnto the nixt Generall Assembly, provydeing that the Kings Majestie remove his Hienes daughter out of her companie ; and lykewayes that his Lordships bairnes be catechisit in the trueth ; and lykewayes that his Majestie give command to him to debarre all Papists from his house ; and that, in the meanetyme, his Lordship caufe deale with his said spous, to sie if by any meanes sho may be drawin to the acknowledging of the trueth.

Seffio Vltima, 16 Novembris 1602.

Anent the supplicatioun givin in be the brethren of the Synod of Glafgow, makand mentioune, That quher albeit sundrie tymes, be their actis, they had discharged Mr George Simple to have any meddling with the Ministrie of the Kirk of Killellane, for the caufes and consideratiouns knownin to them, and speciallie for a great mislyking that speciallis of the paroch had of him; nevertheless he had not only infilit in futeing of the said kirk, but also he had obteinit, be privie moyen, the consent of the Commissioners of the Generall Assembly therto, for planting of him at the said kirk, the faids brethren not being heard, nor thair reas ons in the contrair discusſed; defyreing, therfor, that thair reas ons may be heard, and, after dew tryall, that the Assembly wald give thair finall sentence in the said matter, quhilk they wald obey:

The Assembly, after due tryall, absolves the said Mr George from all evill crymes and eylifts quhilk were laid to his charge, either be the brethren of the said province, or be the parochiners of Killellane, and gives him, be thir presentis, a testimonie of his honest behaviour; bot in respect that he was never plantit fullie Minister at the said kirk, and of the great mislyking that is betuixt him and fundrie of the faids parochiners of Killellane, as said is, they think it not good that he be plantit Minister at the said kirk; and, therfor, ordaines him to desist therfra, and to dimitt the presentatioun made to him of the benefice therof, in favours of Mr Johne Cunighame, quhom the Presbitrie hes thought good to be Minister therat, vpon conditioun that the said Mr George be first satisfied be the said Mr Johne, for his said dimissioun, paines and lose susteinit be him in pleying of the same: Quhilk satifa&tioun falbe presentlie modified be Mr Johne Cowper, arbiter chosen for the said Mr William Cunnigham, and Mr Robert Pont, arbiter chosen for Mr George Sempill; and in case of variance, be Mr Patrick Galloway, as oddifman and ovirsman chosen be both thair consents: With provisioun lykewayes that the said Mr George be first plantit at the Kirk of Kirkbeane, or any vther place quher his Majestie fall think expedient in the south west parts, with sufficient provisioun for bis sustentatioun therat.

The faid day, the Assembly ordaines Richart Browne to be transportit to the kirk of Haliewood, and that the brethren deale with the Abbot for

a sufficient provisioun to the said kirk, and in speciall Mrs David Barklay, Robert Hunter, and Hew Fullertoun.

Item, The Assemblie ordaines, that, in all tyme comeing, the licence to be grantit to any benefitit Person to fett tackis, be restraint either to ane lyferten tack, or to ane nynetein geir tak allauerly.

Anent the supplicatioun givin in be Mr John Nicolsone of Laifwad, beirand, that quher he was kyndlie takisman of the teinds of his awin lands of Leffwaid, in respect quheroof he had aggriedit with Mr George Ramfay, Deane of Restalrig, for renewing of his faids tacks for payng of a greater duetie then they payed of before, so that the kirk was sufficentlie plantit ; to the quhilks the said Mr George condescendit ; defyreand, therfor, the Assemblie to ratifie [and approne] the faids tackis, and declare the famein als sufficient as if ane speciall licence had been obtainit to fett the same : The Assemblie ratifies and approves the faids taks of the teinds of his awin lands of Leffwaid, and declares the famein als sufficient, as if a speciall licence had bein obteinit therto.

Item, At the earnest sute of the Presbiritries of Cliddisdaill, Walter, Prioour of Blantyre, tackisman of the Personage of Glaſgow, condiscendit to give 15 chalders vietvall, by and attour the duetie of his tacks, for the better provisioun of the Ministrie at the said kirk of Glaſgow, vpon conditioun that the present Person fould ratifie and approve his present tack that he hes to runne of the faids teinds : The Assemblie thinks the conditioun reasonable, and, therfor, ordaines the present Person to ratifie the same ; and declares that the said Commendatour fall not be farther troublit for any greater provisioun to the said kirk during his faids tacks, be nane of the Ministrie serving that cure.

Anent the propoſitioun made in the Assemblie vpon the privat motiouns of fundrie particular brether, from diverse parts, to the Moderatour, defyreand that a certaine number of the brethren of best judgement and expeirience fould be put apart to confidder of the chiefest dangers appeirand to religioun, and quyetcnes of the estate of the countrey, and of the principall caufes therof, and how the famein might be most effectuouſlie preventit ; with power to them to conclude, and communicat thair best advyces to his Majeftie theranent, and to the Presbiritries, fo farre as shalbe found expedient : The Assemblie finds the famein most requisite, and, for the effect above wrytin, nominates, &c. with power as said is.

The quhilk brether having at length communicat thair informatioun, to-

gether with thair awin knowledge, anent the premisses, Finds that ane of the cheifest caufes of danger proceids from the miscontentment of some outragious and malicious Papists, that rages and leaves nothing vnaffayit to trouble ; for being out of all esperance to have his Majesties indifferent affectioun, or oversight over them and thair religioun during his reigne ; and of vthers that be the executioun of justice finds themselves or thair friends and thair houſes to have sustaintit any lose, and to be impairit of thair greatness and dependance, and to be redactit to live vnder the obedience of lawis vtherwayes nor they were wont ; and from the malicious busines of certayne craftie and feditious perſons, that either for the preſent necelltie of thair awin eſtate, or for hope of advancement and gaine to be had in the change of the preſent governement, ceaſes not be all meaneſ to inflame the hearts of ſuch as they perceive to be miſcontentit in any eſtate, and making every man to ſie his awin defyre in the trouble of the countrey ; dealing in the meanetyme lykewayes with ſuch as are of the moſt fincere affectioun to religioun and justice, that things is not done in that integrtie that is profeſt ; preaſing hereby to make the godlie and good ſubiects the more cold adverſaries to ſuch as wold intend a trouble :

For remeid quherof it is thought good and concludit, that his Majestie falbe informed heiranent, that, be his awin care and foirſight, ſuch vngodly plats and counſells may be fruſtrate ; and ſiclyke that every Minifter within this realme fall deale generally with thair congregatiouns and auditors, at all occaſions, in thair publick doctrine in pulpitt, and with all noblemen, barrones, gentlemen, and vthers that are of any ſpeciall credit or power, particularlie in thair privie conferences, perfwading them of the Kings honeſt mynd for eſtablishing of the true religioun preſentlie profeſt within this realme, and of the executioun of justice, and of his ſtedfaſt refolucioun to hazard his eſtate, lyfe and crowne, in the caufe of the Gospell, with the ſtanding and falling quherof, he acknowledges his ſtanding and falling to be inseparablie conjoynit ; and that they mark narrowlie the actiounſ of all men, ſpecially of fick as that either for religioun, or executioun of justice, or for the necelltie of thair awin eſtate, miſlykes the preſent governement, and are inclined to novatiounſ, and quhom they ſie in any kynd of extraordinar busines by thair custome ; and that they make his Majesties Minifters acquaint therwith, not ceaſing in the meane tyme to bring them to ane quyet mynd : and for this effect, that in all thair ordinarie meitiings in Seſſiounſ, Prefbitries, and Provinciall Assemblies, ther be a particular and

privat inquisitioun in thir points as neid beis, that his Majesties Ministers may be advertised with all expeditioun : And lykewayes it is thocht expedient and concludit, that his Majesties Ministers, and sick vthers of the Ministrie as fall have occasioun to be in any charge about his Majestie, informe the Presbitries of the estate of things, as they proceid, so farre as it is neidful for the weill of the cause ; and that this advyce be extraēt and sent with diligence to every Presbitrie in authentique forme.

The nixt Assemblie is appointit to be haldin at Aberdein, the last Tuesday of Julij 1604.

Thanks beeand givin to God be the Moderatour, for the confortable succeſſe of this present Assemblie, the brethren were dismissed.

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A.D. M.DC.IV.

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[AT Aberdeen the last day of July the year of God 1604, within Sanct Nicolas parish kirk of the Burgh of Aberdeen, at four hours after noon, or thereby, before these witneses, Mrs Peter Blackburne, James Ross, Archibald Bleckburne, Ministers at Aberdeen, John Rough, Minister at Nig, Mr Thomas Nicolson, Commissar at Aberdeen, and George Nicolson, burgess of the said burgh.

The which day, in presence of the witneses foresaid and of us Connotars Publick under subscribing, compeared personaly within the said pariss kirk Mrs James Melvill, William Arefkine, and William Murrey, Ministers of the Evangel of Jesu Christ, and presented a Commission given unto them by their brethren of the Presbytrie of Sanct Andrews, wherby they are constitutit Commissioners for them for keeping of the General Assembly at Aberdeen the month of July instant, as the said Commission, which was read in audience of us, and the said witneses, in it self at more length bears; whereof the tenor followes.

At Sanct Andrews the 26 of July 1604 years, the which day, after in calling of the name of God, the Presbytrie constituted and appointed their brethren, Mrs James Melvill, William Arefkine, and William Murrey, their Commissioners to the General Assembly appointed to be holden at Aberdeen this month, giving to them their full commission and exprefs to pass to Aberdeen; and there, for the said Presbytrie, and in their name, to reasoun, vote, and conclude in such things as shall be handled in the said Assembly, and to doe whatsoever other things belong to the well of the

Kirk ; promising to ratifie and approve whatsomerew their Commissioners fall doe therinto, according to the Word of God. In witnes whereof they have commanded their Clerk to subfcribe this prefent commiffion, day, year, and place forefaid.

Sic subfcribitur,  
Mr Robert Rough, Clerk of the Prefbytrie,  
at command of the fame.

And therewith gave in, and preſented in writ their protestation ſubſequēt, which ſicklyke was read in audience of us, and the faid witneſſes ; and was ſubſcribed with their hands in our preſence, whereof lykways the tenor followeth.

For as much as albeit the Kirk of Scotland ever ſince the reformation of religion, and light of the Gofpel, rightly informed and instructed thereby, have thought it a moſt neceſſar duty auſtand to Chrift, and his Kirk, to conveen in their General Aſſemblyes yearly, for keeping of the puritie of doctrine, exerciſing of discipline, and governing of the whole estate thereof with uniform conſent and agreement, lyke as they have been in continual cuſtom, uſe, and poſſeſſion, to keep the fame inviolable, as a chief and prin‐cipal part of the office of the Miniftrie commanded be the Lord Jefus Chrift ; as alſo God has moved the heart of the King our Sovereign, with conſent of his Majeffies Estates in Parliament, be ſpecial aet and law to ratifie and approve the fame, granting liberty and freedom to the Minifters of the Kirk to conveen in their General Aſſemblyes once in the year at leaſt, and oftner pro re nata ; and the Kings Majefty, of his ſpecial care and affection to the Kirk of Jefus Chrift within his Hienes realme, gave his own preſence at divers General Aſſemblyes, as at the laſt holden at Halyrudhouſe ; where certain grieves being given in, and amonſt the reſt, that the General Aſſemblyes were not ordinarily kepted, his Majeftie with the faid Aſſembly ordained that to be ammended in tyme coming, appointing the aet of Parliament made thereanent to be obſerved, inserting the very words of the faid aet of Parliament in the ordinance of the Aſſembly ; and according thereto, at the ending of the fame Aſſembly, appointed the next General Aſſembly to be holden at Aberdeen, the laſt Tuesday of July, in the preſent year 1604. Nevertheleſs that day being now come, and inſtant wee found no appearance of keeping of the faid appointed Aſſembly be the preſence of the laſt Moderator, nor convention and meeting together

of brethren, Commissioners directed from Provinces and Presbyteries, to the great displeasure and grief of our hearts, namely, in so needfull a tyme, when mesfes are broken furth in divers parts of some of the chief burghs of the realme, Perth and Linlithgow; kirks and congregations lye pitifully unplanted; a careles coldnes in all estates, namely of the Ministry it self, of the Gospel and glory of the Lord Jesu; and Atheism with all kind of vice overflowing the face of the land: Therefore wee Mrs James Melvill, William Murrey, and Arefkine, Ministers, Commissioners appointed be the Presbytrie of Sanct Andrews to this present General Assembly, having precisely kepted the foresaid day set for the said Assembly, and attended in the Kirk of Aberdeen all the forenoon, without meeting of any Commissioners from other Presbyteries, since wee could doe no more, haue thought it our necessar duty, before God, and his Angels, and yow that are present, to take documents, and make protestation: Lyke as in the hands of yow Notars Publick wee take acts, instruments, and documents, that wee above nominat are here present, directed in commission from our said Presbytrie of Sanct Andrewes, for keeping of the said appointed General Assembly, on this day, and in this place, so that it desert not so far as lyeth in us, but may hold and keep according to the Word of God, constitutions, and continual custome of our Kirk, the laws of the realme, and appointment of the last General Assembly, wherein the Kings Majestie was present. And wee protest before God, as said is, that whatfoever skaith, damage, or hurt the interest of the Kirk and Kingdom of Jesus Christ within this realme, in the priviledges, liberties, and freedom, or otherwayes, in the general or particular estate thereof, shall happen to sustain or incurre be the overfeeing, neglecting, and slipping of the said appointed Assembly, it be not imputed to us nor our said Presbytrie of Sanct Andrewes: Protesting also expressly, that the same, if any be, may be amended and redrelied be remeied of the Word of God, laws of the realme, acts and constitutions of our Kirk, and old liberty and freedom thereof, at such tyme and place as God shall think convenient. Thus protesting, and procuring most instantly and solemnly for the well, priviledge, and liberty of the said Kirk and Kingdom of Jefus Christ, eslablished within this realme, moved and stirred up thereto for no other cause, as God the great Judge shall judge us, but that wee may doe and discharge a most necessar duty for the glory of Christ, safety of this Kirk, and the easse and relief of our consciences, in

that great day of his glorious appearance to call us to account of our Ministerie and dispensation. Sic subserbitur,

Mr James Melville, Mr William Arefkin, Mr William Murrey.

Which Commillion and Protestation being read, and prefented, as said is, Mrs James Melvill, William Arefkine, and William Murrey made their protestations conforme thereunto, and took documents and instruments thereupon, in the hands of us Connotars Publick under subcribing, day, month, year, and place foresaids, and before the witneses above mentioned, witnessing thefe our subscriptions manual.

Ita est, Magister Thomas Mollesonus, Scriba communis burgi de Aberdeen, Notarius Publicus, ac testis ad praemissa requisitus et rogatus ; Testante hac mea subfcriptione manuali.

Ita est, Gualterus Robertfone, Scriba subflitutus burgi de Aberdeen, Connotarius Publicus in praemissis specialiter requisitus ; Testantibus his meis signo et subfcriptione manualibus.

Ita est, David Marr, Connotarius, in praemissis rogatus et requisitus ; Testante hac mea subfcriptione manuali.

A.D. M.DC.V.

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July 2.\*

THE which day divers and fundrie brethren from divers and fundrie places and provinces in the land, instru<sup>c</sup>t<sup>e</sup>d with sufficient commissions from their Presbytries, to reas<sup>o</sup>n, vote, and conclude in the General Assembly appoint<sup>e</sup>d be his Majesties Commissioner, and Commissioners of the General Assembly, with continuation, directed from Perth the 4 of July, the year of God 1604, subscribed be his Majesties Commissioner the Laird of Lauriston, and Mr Patrick Galloway Moderator of the last General Assembly holden at Halyrndhous, and Richard Thomson Clerk to the Commissioners, to be and begin at Aberdeen the first Tuesday of July 1605 years, if be sooner advertisement it cannot, being lawfully assembled upon the said warrant and direction, according to the warrant of the Word of God, laws of the countrey, and continual custome of the Kirk of God therein. After in calling of the name of God be Mr David Rait in absence of the last Moderator, Mr Patrick Galloway, Mrs Robert Durie, John Monroe, John Forbes being put on leit, Mr John Forbes, with uniform consent of the

\* The great Commissioner Laurestoun with the Commissioners of the General Assembly had written to all the Presbyteries, for keeping of a General Assembly at Aberdeen the second of July. The missives directed to the Presbyteries, subscribed be Richard Thomson Clerk to the Commissioners of the General Assembly, differed in the day; in the missives directed to the North, was appointed the second day of July; in the missives directed to the South the 5th day: . . . Therfore some came the 2d day, and some the fyft day.

whole brethren, was chosen Moderator ; his Majesties Commissioner, the Laird of Laurestoun, having first nominated the said Mr Forbes to be mouth of the rest. And Mr John Sharp, in absence of Mr Thomas Nicolson, with consent of the whole brethren, was nominated and chosen Clerk.

The same day his Majesties Commissioner, having first been declared the decree of his Majesties Secret Counsell touching the said meeting, did give in a letter directed for the Lords of his Majesties Secret Counsell, to the brethren of the said Ministry conveened at the said Assembly : The tenor and contents whereof follows.

Trulie friends, After our heartie salutations, hearing that ye have appointed an Assembly to be holden and kepted there at Aberdeen in the month of July next to come, whereby the Kings Majestie may take some occasion of offence against yow ; seeing neither has his Majestie been made privie to your resolution, nor yet has his Hienes consent and allowance been fought and obtained to that effect, according to the law and custome enviolable observed the many years by gane, wee have thereupon thought meet hereby to advertise you to consider this matter as appertaineth, and wisely to foresee what prejudice such rash and unadvised proceedings may draw upon your estate : For wee are persuaded, if ye proceed to the holding of this Assembly without his Majesties approbation and allowance, that his Hienes will very hardly digest that matter, and will account the same as a contempt touching his Majestie in a high degree : And therefor it is our will and pleasure, and wee think it meet, and expedient for your own well, and the peace of the Kirk, and for entertaining and cherithing that christian harmony which shoulde be betwixt his Majestie and yow ; that ye dissolve yourselves, repair every one to his own house and calling, and suffer this meeting to desert. And before ye appoint any new meeting, or Assembly, that ye acquaint his Majestie therewith ; whereby, as ye shall testifie your obedience and conformity to his Majesties will and his lawes, so we doubt not but his Majestie, upon your own fuit and supplication, will in reason give you contentment and satisfaction herein. Wee have at greater length communicated our minds in this matter to the Laird of Laurestoun, one of his Majesties Privie Counsell, who will at length impart the same to you. And so wee commit you to God.

From Edinburgh the 20 of June 1605. Sic subseribitur,

Your good friends, Montrose Commissioner, Alexander Cancelarius, Blantyre Secretar, Prefloun, Ceeckburne.

Which letters, and desire therein contained, with the fuit and desire of his Majesties Commissioner agreeing thereto, being rypely considered by the said Assembly, and having weighed the weightnes of the affaires necessary to be intreated, and rarenes of their own number, divers of the Commissioners being slayed by the tempest of weather, and willing them, as at all tymes, to witnes their willingnes to satisfie his Majestie, and Lords of the Secret Counsell, in all their reasounable desires, so far forth as might stand with the Word of God, and testimonie of a good conscience, thought meet and expedient to continue the treating of the affaires pertaining to the said Assembly to the last Tuesday of September following, and to dissolve for the present according to the desire and fuit of the letter foreaid : And ordaines intimation and warning to be made to all the Presbytries within the land, to choose their Commissioners, and to send them authorized with power to the said Assembly to be holden at Aberdeen the last Tuesday of September next to come anno 1605.

After the which ordinance his Majesties Commissioner made protestation, that from the beginning he did not acknowledge the present meeting for a lawfull Assembly, in respect of the absence of the last Moderator, and Clerk ordinari.

The Moderator in name of the brethren protested again, that the said meeting was and behoved to be a lawful Assembly, in respect of the warrant of their meeting the said day before specified, the direction of the Word of God, the lawes of the land, and continual custome of the Kirk.

Which being done, the said Commissioner caused charge the brethren there assembled, to suffer the said Assembly to defert under the paine of horning be John Wishart, Messenger, who delivered a subscribed copie of the said charge to the Moderator in name of the whole : The tenor whereof follows.

James be the grace of God, &c. For as much as albeit wee have signified our will and pleasure, that we cannot be resolved anent the General Assembly before the approaching Parliament, and the Parliament being ended, that wee will have occasion to direct the most expedient in that matter for the well of the Kirk : Nevertheles wee and the Lords of our Secret Counsell are informed, that, in this mean tyme, there is a General Convention and Assembly of the Ministrie appointed to be holden at our burgh of Aberdeen in the month of July next to come ; whereat a number of the Ministrie in this our realme intends to be present, wee being no wayes

acquainted, nor made foreseen thereof, nor yet our consent and allowance being had, and obtained to that effect, according to the laws, acts, and constitutions made thereanent, and to the custome observed herein, these many years bygane, whereby our directions and commandements in this matter will be violated highlie, to the offence and contempt of us, our authority, and lawes: Our will is herefor, and wee charge yow straitly, and command, that, incontinent these our letters seen, ye pals, and in our name and authority command and charge the whole Ministrie, who shall happen to conveen to the faid Assembly, personaly, if they can be apprehended; and failing thereof, be open proclamation at the mercat crofs of Aberdeen, that they suffer the faid Assembly to defert, repaire every one to his own dwelling and charge; and that they in no wise presume, nor take upon hand, to conveen and assemble themselvies together in any place, for keeping of the faid Assembly, under the pain of rebellion, and putting of them to the norne. With certification to them, and they failzie, they falbe denunced rebels, and put to the horn. As also that ye command and charge the Provost and Bailies of our said burgh of Aberdeen, that they suffer no such Assembly, convention, or meeting of the Ministrie to be keepeid within their toun, as the faid Provost and Bailiffes will answer to us, and our Secret Counsell, upon their dutifull discharge of their office. The which to do, &c.

Which being read and considered, the said Moderator, at the command of the brethren, took document, and note, in the hand of the said John Wishart being a Notar Publick, that they were ready instantly to obey the tenor of the faid charge. The said John refusing the benefit of his office in that part, the Moderator, with the rest of the brethren, after in calling of the name of God, dissolved, and departed out of the Kirk, for obedience to his Majesties charge: And the said Moderator with the remnant brethren past immediately to the Common Clerks chamber of the faid burgh, and there took documents in the hands of James Molleson Common Clerk: The tenor whereof followeth.

At Aberdeen the seconf day of July, the year of God 1605, in the Common Clerks writing chamber of the burgh of Aberdeen, at half hour to five in the after noon, or thereby, in prefence of us Connottars, and witnessies underwritten, compeared personaly the Commissioners of the Ministrie of this realme, after following; They are to say, Mr Robert Durie, Minister at Aufruther, Mr Andrew Duncan, Minister at Carraill, Mr John Sharp,

Minister at Kilmenie, Mr Alexander Strauchan, Minister at Creich, Mr John Forbes, Minister at Afurde, Mr William Forbes, Minister at Kinbethock, Mr James Irving, Minister at Tuiche, Mr Robert Young, some time Minister at Clatt, Mr Robert Reid, Minister at Bancherie Trinitie, Mr Charles Farholme, Minister at Frazerburgh, Mr William Davidson, Minister at Rathen, Mr David Robertson, Minister at Rugley, Mr John Monro, Minister at Tane, Mr Archibald Bleckburne, Minister at Aberdeen, Mr James Rofs, Minister there, and John Rough, Minister at Nige; and alledged, that they being conveened in the Session house of the Kirk of this burgh of Aberdeen this day, as at the appointed day and place, for holding the General Assembly of the Ministrie of this realme, they were charged by John Wishart Meffenger, by vertue of his Majesties letters, given by act of his Hienes Secret Counfell, of the date at Edinburgh the 20 day of June last past, within the space of a quarter of an hour fyne, that they should suffer their Assembly to desert, repair every one of them to their own dwelling and charge; and that they are no wayes to presume, nor take upon hand to conveen, nor assemble themselves in any place, for keeping of the said Assembly, under the pain of horning; as the copie of the said letters, which they shew to us Connotars, and witness(es) underwritten, subseribed, as appeared, by the said John Wishart Meffenger, propors; and that for obedience to the command and charge of the said letters, they instantly, after the giving of the said charge, dissolved, without any farther action, and came immediatly furth of the said Session house and Kirk, to the said Common Clerks chamber, at the west end of the Tolbuith of the said burgh, as to the most publick place, to take notes, and instruments of their obedience to the command and charge of the said letters, and dissolving of the said Assembly in the hands of us Connotars under subseribing. And hereupon they erayed and took instruments, day, month, and year forefaids, before these witness(es), Alexander Forbes of Fingask, David Ronaldson, John Tullidaf, Mathew Donaldson, John Kemp baker, Alexander Thompson skinner, burgess(es) of Aberdeen, Mr George Spence servitour to the said Mr John Forbes, and Thomas Forbes son to Thomas Forbes elder, burgess of Aberdeen.

Sic subscrribitur,

Ita est, Magistler Thomas Mollesonus, Scriba Communis de Aberdeen.

Ita est, WALTERS Robertfonus, Scriba Subflitutus burgi de Aberdeen.

Mr John Sharp, Clerk to the Assembly.

## Proclamation by the King in Council.

James &c. For as much as wee, be a special article signified with our own hand, and sent home with the Laird of Laurelhoun our Commissioner, signified our will and pleasure, that wee for many caufes could not be resolved anent the tyme of the General Assembly, before the approaching Parliament; and that in virtue of the said warrant, the Commissioners of the General Assembly, according to our pleasure, acquainted the Presbyteries of our realme, with our commandement in that matter; and willed and desired them to forbear all conveening, meeting, or keeping of the said Assembly; nevertheless a very few number of the Ministrie, led with the spirit of disfobedience, and contempt of all lawfull authority, most unlawfully and contemptuously convened themselves within our burgh of Aberdeen, upon the seconf day of July last; And misregarding the former discharge given to their Presbyteries, the letters of horning executed against themselves, with our Counsels mislike letter delivered to them by our said Commissioner, they proceeded to the holding of an Assembly in such forme, as neither the absence of the best of the Ministrie, who would attempt nothing might be offensive to us, or prejudicial to the authority of a lawfull and solemne meeting of ane Assembly, nor the diffenting of our Commissioner, that any thing shold be done therein, could make them disfolve, while first they had made election of their Moderator, and appointed a new day to their next Assembly; and they knowing that their inordinat meeting, which was aslifted with so few of the Ministrie, and that of the most ignorant and least accounted, could not have the ground and warrant of a lawfull Assembly; and that there could not be any law, practick, or custome of any other reformed Kirk in Europ, to justifie and approve their doings: Lyke as the whole Commissioners of the General Assembly having assembled themselves thereafter, and after due confideration of their foolish proceeding, having found the fame to be no lawfull Assembly, and all utterly disallowed the fame, the said Ministers thereof, in further contempt and disdain of us, our Counfel, and Commissioners, have continually sensyne busied themselves in foliciting and procuring the approbation, consent, and allowance of the whole Presbyteries of our realme, to their insolent and unlawfull proceedings, minding thereby to make their privat and factious proceedings to be a common caufe of the Kirk, and by foli-

citing such unlawful approbation of the Presbyteries to pervert the whole order of our General Assemblies: wherein not only the personal presence of the whole, or most part of the Commissioners of the Presbyteries of our realme, is alwise necessary; and without the which there cannot be an Assembly, but our own consent, or consent of our Commissioner being present, which is altogether requisit: and so as they began with contempt of us, and break of our lawes, even so their unlawfull course and progres of their proceedings tend to nothing, but to heap contempt upon contempt, and will produce farther inconveniences, without remeade be provided. Our will is herefore, and wee charge yow straitly and command, that incontinent thir our letters seen, ye pafs, and in our name and authority command and charge and inhibit all and fundrie Synods, Presbyteries, and Sessions of kirks, and Ministers within our realme, be open proclamation, at the Mercat Crofes of the head burrowes of our realme, and other places needfull, that none of them presume nor take upon hand privatly nor publickly in their Sessions, or meetings, nor in Conference, sermons, nor no other manner of way, to authorize, approve, justifie, or allow the said unlawfull meeting, and Assembly at Aberdeen; neither yet to make any act thereupon, nor doe any other thing, in privat or publick, which may seem to countenance the said unlawfull Assembly, under the pain to be reputed, holden, esteemed, and purfused as guilty of this unlawfull meeting, and to be punished therefor with all rigour. And siclyke, that ye command and charge all and fundrie Lords, and Barons, and gentlemen, Magistrats, and all other our lieges, who shall happen to be present, and hear any Ministers in publick or in privat conferences, and speeches, or in their sermons, to approve and allow the said unlawfull Assembly, raile and utter any speeches against our royal commandementes, or proceedings of our Counfel, for punishing and supressing so hainous enormities, that they make relation and report thereof to our Counfel, and furnish probation; to the effect the same may be condignly punished, as they will answere to our Counfel thereupon: certifying them who shall hear and conceal the said speeches, they shall be esteemed allowers of the same, and fall be tane order with, and punished therefore without favour. The which to doe, &c.

Given at Edinburgh the eight day of August 1605.

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## Copie of the Kings Missive sent to the Presbitrie of Dumfermline.

Trustie and weel beloved, we greet you heartily well. Our knowledge of the jealousies and distractions of the late time, arising without anie necessarie or essentiall cause in the Kirk of Scotland, the progres whereof might tend to open diffencion among the Pastors, to their own trouble, the evil example of our people, and our discontentment, having moved us to send for a number of the Ministrie, whom we understand to be of knowledge and good experience, that by their information the caule of these greeves might be truelie known, and the best means devised for removing such unnecessarie conventions, and reducing their proceedings to a settled good order for their own quietnes and our obedience, we have not received that satisfaction of them which we expected, their answers tending more to ignorance of these distractiōns and grudges, (which to our grief are verie manifest to the world,) nor to anie advice of the remedies therof; and because we could not be blameles of undutifull negligence, if we shoulde leave any good means unassayed, which might bring readiest remeēd unto bypast disorders, and best assurance for good order in the Kirk and obedience to our authoritie in time comeing: Therefore we have thought it necessarie to appoint some Noblemen and others of our Counsell to conveene with a good number of godlie, wise and learned Ministers of the Presbitries of that our Kingdom, at Linlithgow the 10 day of December next to come, to advise and reslove upon the remeeds of bypast distractiōns, preventing of imminent dangers be the daylie increase of the number of Papists travelling in all corners of that Kingdom, to disturb the peace of the Kirk and countrie, and to subvert our royal estate, and for settling of good order and quietnes in the Kirk, and obedience to our authoritie: For which purpose our will is, that ye direct Mr John Fairfull, Minister of Dumfermline, Mr Andrew Forrester, Minister there, and Mr James Stewart, Minister at Sauling, of your Presbitrie, to be present with such of our Nobilitie and Counsell as we have commanded to meet them the said day and place, that be them they may know our godlie and just desires, and that such as ye send may give their information, advice, concurrence and judgement for the furtherance of good order, peace, and obedience in the Kirk and countrie to our authoritie, preventing of Papists courses, delating of the names of the authors therof, and such as receipt Jesuits, Priests, and trafiquing

Papists, or other excommunicated persons; as also such as resort not to the Kirk and communion according to our laws and acts of Parliament made thereanent; and in all other matters of the like nature, tending to the peace of the Kirk and our obedience, whereanent our constant affection to the advancement of all such godlie purpos(es) will be more largelie signified unto them att the faid meeting, be such of our Nobilitie and Counsell as have our expreſſe direcſion in theſe matters. So reſting affuſed of your conformitie and dutifull obedience in the performance of this our command tending to ſo godlie and neceſſary ends, we bid you heartilie fair-weel.

Att Newmarket the 20<sup>th</sup> of October 1606.

To our truſtie and well beloved the Minifters of the  
Prefbitrie of Dumfermline.

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A. D. M.DC.VI.

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In the Assemblie of the Kirk of Scotland conveinit be his Majestie  
and haldin at Linlithgow, Anno 1606,

Sessio 1<sup>a</sup>. 10 Decembris,

Were present the Noblemen following :

Montrose.	Lothian.	Cullrofs.	Clerk Register.
Glencarne.	Mr of Montrose.	Halyrudhouse.	Bruntiland.
Linlithgow.	Mrof Lothian L.Newbottle.	Justice Clerk.	Kilfyth.
Orkney.	Lindfay.	Privie Seal.	
Dumbar.	Wehiltrie.	Advocat.	
Wigtown.	Skoone.	Collector.	
Kinghorne.	Blantyre.		
Abercorne.			

#### BARONS.

Kinnaird.	Sir John Hamilton.	Montrose.	Blantyre.
Torrie.	Balmaine.	Lindfay.	Kilfyth.
Balcolmnie.	Waughton.	Collector.	
Innerweek.	Balvaird.		

The Minifters out of the Prefbitries were about the number of 130, out  
of the moft 8, out of fome 5, fome 6.

Mr Patrick Galloway, as Moderatour of the last Assembly, was desired to have preached on the morne. He refused, alledging he knew nothing of that meeting, and was not provided. It was answered, that the meeting shoulde be prorogued to the 22 of that instant, and so he shoulde have time to be provided; but he continued constant in his refusall. In end he was dealt with to make a prayer as his Majesties Minister, and not as Moderatour att the meeting, wherunto he yeilded. So the Bishop of Orkney, Mr James Law, made the sermon upon these words, Pray for the peace of Jerusalem. Therafter Mr Patrick addreffeſt himſelf to the Moderatours place, prayed, and made a diſcourse upon Math. 18, 20. He opened the caufes why his Majeftie appointed the meeting, namelie, to take order with Papis; to advise what way Minifters might be better provided with conſtant ſtipends; and how jarres among the Paſtors might be removed.

The Erle of Montroſe principal in the Commission followed with a ſhort harangue, which was explained by Mr Patrick, becaufe his voice was weak. The fun wherof was, that we had all caufe to praife God for the care that his Majeftie had for the peace of this Kirk and maintauiance of the freedom therof; and ended with ane exhortation to the brethren conveeneed, to judge charitablie of his Majefties proceeding, and to give to his Hienes ſatisfaction in the matters to be proponed.

Mr John Preflowne ſeconded him with a large diſcourse of the pains and travells which his Majeftie had taen in the affairs of the Kirk, the manie good laws made by his Majeftie for maintainance of religion, the great care his Majeftie had to have all the Kirks of Scotland planted, and how in all the expeditions made in the South and North againſt his Hienes rebells, his Majeftie employing ever ſome time in the affairs of the Kirk: And fo ended with exhortation to give his Hienes ſatisfaction.

The Clerk of Regiſter followed, affirmin that ſeeing his Majeftie was a Chryſtian and religious Prince, and fo well grounded in his religion to the admiration of the whole world, that he ought to be obeyed in all his direc‐tions, alledging Paul in his Epifle to Timothy, exhorting, for the peace of the Kirk, to pray for all Princes, eſpecialie for the tyrant Nero, under whom they then fuffered perſecution. He remembred ſome ſpeeches uttered by ſome of the Princes of Germanie, namelie the Duke of Saxony, extolling his Majefties conſtanſcie in his religion; and fo inferred, that ſeeing ſtrangers had fo reverent regard of his Majeftie, his own ſubjeſts ſhould not be lead with a finiftrous conceit.

After this, Mr Patrick Galloway said it was needfull that there shoulde be a Moderator chosen, and produced 4 in leit, viz. Mr Patrick Sharp, Mr Robert Howie, Mr Alexander Lindsay, Mr James Nicolson; and the said Mr James was chosen Moderator.

When he entered into his place, he assumed Mr Henry Philip, Minister of Arbroth, to be Scribe without the oath of fidelitie. Therafter a number were nominated for the privie conference, which was appointed to be that afternoon; and so the Assembly dissolved for that day.

Sellio 2<sup>a</sup>. 11 Decembris.

The Assembly mett at eleven hours, and after prayer the Moderator examined the whole Bishops and Commissioners of Presbitries upon their diligence in seeking the execution of his Majesties laws against the Jesuits and excommunicated Papists, of whom there were some given in be everie Presbitrie in writte. There was no diligence reported but excuse; and the chief excuse was upon the oversight granted to the Marques of Huntlie and his Ladie. After a sharp rebook given unto the Bishops and the Commissioners for their negligence, and oversight in that point, the Assembly dissolved for that night, and the Conference appointed to meet the morne att 8 hours.

There were handled these points; 1. Anent the suppreſſing or reforming of Papists; 2. Anent the planting of all the kirks in this land; 3. Anent the remedie of the eylifts and distractions that were among ourſelves in the Ministrie here.

### 1. For the suppreſſing and reforming of Papists.

The Papists were ranked thus. Some were Jesuits, Priests, fayers and hearers of Mass; and the whole number of Ministers were posed in conſcience to delate their names. Manie ample promifes were made and conclusions taken for prosecuting the laws with all rigour againſt them; yea his Majesties guarde here was then to be directed to take and apprehend them.

Some were recusants or not communicants, who were ordeaned to be

proceſſed be the Kirk with all expedition, and their names alſo to be givin in with the roll to the Counſell, who promiſed to exact the penaltie in the law preſcribed againſt them, who att leaſt communicaṭ not once everie year, and no exceptions of perſons to be ; and this to be the civill puniſhment without prejudice of our censures ; and promiſe made that no letters ſhall be direcṭed from Counſell, as was wont, to ſtay our discipline againſt anie perfonn whatſoever.

Some were Noblemen contrarie minded and not as yett reſolved, albeit they have ſubſcribed, fworne, and communicated ſome time with us. These were ordained with all diligencē to addrefſ themſelves to ſeveral burghes to hear the Word, confeſ, &c. for their better reſolution ; and yett to be proceſſed, except they wait well on and profited &c.

The Noblemen fuſpected of Papistrie are ordained to be confined in the towns following, viz. the Erle of Sutherland, his wife, and mother, in Innerneſſ ; the Erle of Cathneſſ and his Lady in Elgine ; the Marquiss of Huntlie, his wife and bairns, in Aberdeen ; the Erle of Angus, his wife and bairns, in Glaſgow ; the Erle of Hume and Lord Hereis in Edinburgh ; the Lord Maxwel in Lyth ; the Lord Semple in Iruing.

And that theſe things might take eſſeſt according to the mind of that meeting, theſe two orders were deuiſed. 1. That a letter of requeſt ſhould be formed and ſent to his Maſteſtie, for cauſing the forefaid Noblemen reſort with diligencē to their feveral appointed cities. 2. That ſome brother be appointed ane Agent in everie Prefbitrie, to informe the Counſell of all Papifts, Jeſuits, or Excommunicants within their bounds, to raiſe Letters, to keep the Counſells dyets, and to fee the Counſells decreiſts put in execuſion, who ſhould be a conſtant Moderator to be anſwerable for his diligencē in theſe points ; and for his ſervice he ſhall have in pension of his Maſteſties patrimonie ane hundred Scottiſh pounds, if he be not a Biſhop in that Prefbytrie : Otherwife, where the Biſhop is, he ſhall have the burthen and receive no gain therefor.

The Acts of the General Aſſemblie anent the inſtructing of Noblemenſons at home, who paſſing out of the countrie returne Papifts, are promiſed to paſſ be flatute in the next Parliament.

## 2. For planting of Kirks.

1. The Lords Modifiers choſen and appointed att Parliament promiſſed

to fitt down att Edinburgh the first of January, for modifiation of stipends to the Abbey Kirks of this new erection ; the same to be done in Bishops Kirks, and that be reafon the act of annexation was diſſolved in their fauours in this laſt Parliament.

2. The benefices of cure, wherof Noblemen have a good part of the rent of, the Moderators, Bishops, Commissioners, are appointed to deale with our Lords of the College of Juffice, for obteaning decreitts att laſt for ſufficient provision.

3. Where they are fmall benefices and fett in tacks, to deal with the tackſmen for obteaning augmentation, and that be offering unto them new tacks, the grefſome or entriffe ſilver wherof ſhall acreſ to the ſtipend in all tyme comeing, and not be employed to anie mans privat uſe ; and who refuſeth augmentation, or this condition, their names to be fent to his Ma-jeſtie, who ſhall take farther order with them, or ellis their tacks to be fett to others.

4. Where kirks are near adjacent, and aither mean in number or proviſion, then the Parliament ſhall unite two in one, and provide for them.

5. For takeing up the eyeleifts among the brethren, the cauſes therof were tryed to be theſe.

1. The warding of the brethren now banished and ſcattered, wherof the remeēd was thought to be this, viz. a letter of ſupplication was appointed to be written to his Ma-jeſtie, and a writte of information to be formed be ſome of that number who were beſt acquainted with his Ma-jeſties mind and pleauſure, to be fent to the brethren to acknowledge their overſight.

2. The want of a General Affembly, which, with advice of his Ma-jeſties Commiſſioner at that meeting, was appointed to be holden at Edinburgh on the laſt Tuelday of July nixt.

3. A heavie ſuſpicion and fear in all good mens hearts, that imbringing of Bishops in our kirk ſhould ſpoil us of our discipline, &c.

For remeēd wherof, the Bithops protested there was no ſuch thing in their mindes, and willinglie ſubmitted themſelves in all time comeing to the judgement of the General Affembly ; and that his Ma-jeſties minde and pleauſure was never otherwife, but that the moſt wife and grave men might be Moderators of the Prefbitries ad culpani, who ſhould be ſuject to the judgement of the Provincial Affemblies, without any farther power

than they had before, except that his Majestie would have them members of his Parliament for the Kirk. Some objected their non residence within their Diocie, and not preaching there where their benefice lay. They answered, their benefices were spilt and wanted present provision ; and therefore required a time to seek the benefit of the law.

That meeting ordeaned, that betuixt that time and July nixt, they shold either make residence, or demitt their place to others who shold do the fame.

Then came in his Majesties desire, that untill the time that Papists were repreffed, and jarres removed out of the Kirk, a conftant Moderator might be appointed for everie Presbitrie, becaufe in the changing of the Moderator the diligence of executing the proceſſ failed, because the new Moderator was unacquainted with the former proceedings. It was anſwered in the privie conference, that all the prefbitries and everie brother thereof ſhould know the eſtate and proceedings of matters, and ſo might be able to put matters in execution, and much more the fitteſt to be choſen to the purpoſe, according to the nature and eſtate of the affaires in hand.

Mr Patrick Galloway proponed 3 diſſiculties. 1. The prejudging of the Presbitries in their free elecſion, who did beſt know the quaſitieſ of their members. 2. The tyrranizing of fuch a Moderator over his brethren, and uſurpaſſion of juſtiſtie and authoritiſ over them. 3. The prejudice of the General Affembly in the free nomination of Commiſſioners for everie Prefbitrie, ſeeing by all appearance there was no other thing meant but to make a General Affembly conſiſt of Bifhops and Moderatours of Presbitries.

For removing of theſe diſſiculties, it was provided, that the Moderator ſhould be anſwerable to the Synod for all his overſights and offences, and removeable be them after a lawfull tryall ; and the worthieſt of the Prefbitrie preferred to his place.

That everie Presbitrie ſhould have free elecſion of two or three Commiſſioners to everie Affembly ; and that it ſhould be in their option to make choife of the Moderator or not ; alwiſe all the Moderators are appointed to be preſent at everie Affembly.

Theſe cauſions being ſett down, and the articles fullie aggriev'd upon in the privie conference, it paſt in open Affembly, and agreed upon, that he who before was named the Agent, ſhould be this conſtant Moderator. Two were non liquet ; 4 refuſed to vote as wanting commiſſion ; 125 Minifters agreed.

Last, There was an admonition and exhortation given to all the brethren, to entertean alwise charity and love among themselves, and to bewar to speak any thing unadvisedly against his Majestie.

The great Commissioner the Erle of Dunbar thanked the Convention in his Majesties name, desired the whole brethren to thank him, seeing they had found all things to their contentment, and pray for him; and to make it knoun to their brethren and people, so soon as they came home, what good was done att that Convention.

The Erles of Cassils and Eglintown thinking all things well done, desired a copie of all things concluded before their departure. It was alledged that could not instantlie be done. They promised with all diligence to go to Edinburgh and there cause putt in print all things concluded att that meeting, that all men might know them. C.]

### Sessio 3<sup>a</sup>. 12 Decembris.

In lyke maner the Conference finding that nothing mair weakened the credit and strenth of the Ministerie and discipline of the Kirk againt Papists, nor mair emboldned the adverfares to goe fordward in their erronions course, than the appearances of division in the Ministerie amang themselves, and the alienation quhilke seemeth to be of his Majesties mynd from some of them: Therefor, the removeing of all eyelyfs and shew of division and alienation of mynds, either amang the Ministers themselves, or of his Majesties good affection and favour from any of them, was thocht ane fo-vereaigne remedie for the effectual suppressing of Papistrie. And having searched and found out the cause of the distraiction and alienation of mynds forsaids in the Ministerie, to be partlie a feare that some of their brether was of purpoſe and vpon courfe to subvert the libertie and discipline of the Kirk of Scotland, by removing their Selliouns, Prefbytries, Provinciall and Generall Assemblies, or by vſurping in thair awin persons some fick tyrranous and vnlawfull jurisdiction as is no wayes lawfull, neither to be tolerated in a truelie Christian reformed Kirk, and to shake off that obedience to all good ordour and comelines, eftablifhing or to be eftablifhing by the lafull assemblies with his Majesties consent; and partlie a greife that some of the brether were banished foorth of his Majesties dominions, and vthers discaſed be long warding and relegation from their habitations and charges: And

finding lykewayes be the declaration of his Majesties commissioners, and fick as were privie to his Majesties mynd, that his Hienes was no les grieved with divers formes and actions of some of the Ministrie, for not haveand due regard and care to vse sick course in their actions and administratioun in the Kirk affaires, as might serve to intertain a solid peace and quyetenes betweene his Majestie and them, as lykewayes mutuallie amang themselves; and in speciall, that the charge of that governement was oftentimes and almost ordinarlie committed to fick as, for lake of wifdome and experience, was no wayes able to keip their estate in any good frame or quyetenes, quhervnto his Majestie imputed the chiefest cause of all the greifes and troubles quhilk had fallen out this lang tyme amangst the Ministrie themselves, or any offence given be any of them to his Majestie; and that his Majestie could not be satisfied quhill this inconvenient were first removed, and a faithfull remedie provyded, that heirafter the lyke fould not fall out, quhilk his Majestie summarlie comprehended in this, if the affaires of the Kirk fould be administrat be the wyest and most godlie; wheranent also his Majesties speciaall overtture as heirafter followes, was proposed.

It is his Majesties advyse to this Assemblie, and pleasure, that prefentlie ther be nominat in everie Presbyterie ane of the most godlie and most grave, of greatest authoritie and experiance, and meitell for governement, to haue the moderation of his Presbyterie quhere he remaines, till the prefent flurres and fyre of dissention qwhilk is amangs the Ministrie, to the great prejudice of the authoritie and credit [of the same,] and the hinderance of the Gospell, and his Majesties high offence, be quenched and taken away; and the noblemen and others professing Papistrie within this kingdome [be either reduced to the true profession and obedience of the Gospell, or ellis] so represt by justice and execution of lawes, or be the labours of the Ministrie and discipline of the Kirk, that they be not able to hinder the course of the Gospell, or frenthen and encourage the credit and power [of false religion, and that the chiefest burthen of delation of the said Papists, and folistation for justice and execution] of laws aginst them be committed unto the faids Moderators, and that the Bishops in the Presbyteries quher they are resident in ane of the kirks of the Bisshopric, have this care and burden committed vnto them; and seeing that it will crediblie fall out that in the Presbyteries, through the greatness of parties and the langsummes and difficultie of proesse, the faids Moderators will sometymes be constrained to referre the doing heirof to the Provinciall Assemblie and the Moderators

therof: It is therfor his Majesties advyse and pleasure that the moderation of the Provinciall Assembly, and perfewing of actions of greatest difficultie be committed vnto the Bishop makand lawfull residence within the said province, or to the worthiest of them quhen it fall happen moe than ane to be in ane province, in respect that his Majestie hes bestowed vpon them moyane and places, quherby they may be able to beare out the charges and burdein of difficile and dangerous actions quhilke other ministers were not able to sustaine, and lykewayes, by their credit and place in counsell, are able in fick causes, to procure greater celeritie and execution of justice as in fick cases will be requilite, than vthers.

The Conference having advyfed, first, anent the taking away of the forfaids feirs and fufpitions, and satiffaction of the grieves, and willing to vnderstand of his Majesties Commissioners, and fick as latelie had been acquainted with his Majesties intentions, and willing lykewise to heare the declaration of the Bishops heiranent as touching their awin intentions and purpofes in this errand: It was declareit, that it was not in any wayes his Majesties purpose and intention to subvert and overthrow the present discipline of the Kirk of Scotland, but rather to augment and strenthen the famen fo farre as it could serve for the well of the Gospell and the restraint of vyce, and to sie fick eyelists and offences as in the administration therof was the occasion of just discontentment vnto his Majestie, and a hinderance to the credit and authoritie of the ministrie [among the people, and amongst the Ministry] themselves, removed and tane away be fick good overtures as is above exprefſed.

In signe quherof, as ther is nothing done in derogation of the halding of the Seſſions, the Presbytries and Provinciall Assemblyes, so it was never his Majesties intention, but that the keiping of Generall Assemblyes at certayne competent tymes was, and is a moft necessarie mean for the prefervation of peace and vniōn in the Kirk, and extermination of all heretie and schisme in the fame: Therfor his Majestie doeth graciouſlie declare, that as the Acts of Parliament doeth ſtill ſtand in full force and effect for the conveining of Assemblyes anes everie geir by his Majesties direcſion, ſo it is his Majesties will that the day of conveining the next Assembly falbe at Edinburgh the laſt Tuesday of July.

Siclyke, the haill Bishops declarit that it was not their intention to vſurpe and exerce any tyramous and vnlawfull jurisdiction and power over the brethren, nor to ingyre themſelves any wayes vnlawfullie in the Kirks

government, or any part therof, farder nor fall be committed to them be the Presbytries, Provinciall or Generall Assemblies ; and if it shoulde happen to fall out that they, or any of them, shoulde be found to doe the contrair, then, and in that case, they were content to submitt themselves vnto the censure of the Kirk als humblie as any other of the brether of the ministrerie.

In lykemaner, it was declared that his Majestie, according to his accusomed longanimitie and patience towards sick as happened to offend him of the ministrerie, had delayed for a verie lang tyme to give foorth any sentence against the brether now banished, still hopeing that by their good behaviour and humble fute for his Hienes pardon and favour, his Majestie might have occasion to shew his clemencie towards them ; and albeit his Majestie beand justlie provoked, was moved to give forth his will anent their banishment, get imediatlie, being requeisited in their favours be the Bishops and other brethren there present with them, it pleased his Majestie to declare, that their want of his favour proceidit upon their awin default, quho had never humbled themselves to seek his pardon as became them.

In respect quherof it was thought meit to direct the Bishop of Aberdeen, Mrs Patrick Sharp, Patrick Gallaway, Robert Wilkie, John Struchane, John Hall, John Hay, with the Moderator of the Assembly, to write a letter to the said brether in their name, [givand them adyyce fo to frame and send their humble] fute to his Majestie for his pardon and favour to them as may give his Majestie greatest satissfa<sup>c</sup>tion, and that the Assembly earneſtlie requeisited his Majesties Commissioners and vthers Noblemen employed be his Majestie to this Assembly, fo loone as their said supplication shoulde come from them of the tenor forsaide, to concurre be their credit and intercession with his Majestie, to procure them to be partakers of that gracions favour quhilk his Majestie at no tyme heirtofor refused to any of that profession quhoin he shaud willing to acknowledge and amend their overflight, and have recourse to his clemencie ; for the quhilk declaration the Conference praised God, and thought good that the brethren shoule be written to as is befoir said, and be the brethrin befoir named.

Thereafter, having considered the overture proponed to them in his Majesties name, and finding it in shew, to carie some appearance of novation in the discipline of the Kirk, and fearing that it might bring with it some inconvenients : Therfor the Conference wold not take on them to determine their adyyce theranent, quhill first the mater were exactlie

reasoned in their presence, and sufficient remedie provyded for preventing all inconveniences [which] might [be feared to] follow thereupon : Whereupon a good number of the most learned, godlie, and wifel of the brethren of the Conference, being appointed to reaeson and heare one after another ; and having exactly and at good length reaeson and examined quhatsumever inconveniences might follow upon the establishing of the said overture, it was considered and found at laist be ane univerfall voyce and consent of the whole Conference, but contradiction, that the said overture was both wise and godlie, and tending many wayes to the well of the Kirk : Provydeing that certaine cautions were obserued for preventing such evils as might happen to fall out in case the said Moderators, or any of them, [should] either arrogantlie presume to vslurpe any farder power in the saids Presbyteries and Assemblies than it is comelie and lawfull for Moderators in sick caufes to doe, and presentlie use, without innovating and altering at their owne fantasies, and at their owne hands, the custome that the discreit Moderators have vsed and ought to vse in that place, or utherwayes be found remisse in proponeing or prosecutung any good purpose or overtures quhilke shoulde be given in be the brethren or any of them to the saids Presbyteries and Assemblies : and according to the doubts quhilke in reaoning were found out and feared, the cautions following were aggrieved upon :

1. That it be provyded that the Moderators of Presbyteries and Provinciall Assemblies to be nominat and chosen according to his Majesties overtures, fall presume to doe nothing in the Presbyteries and Provinciall Assemblies where they moderate, without the speciall advyse and consent of thair brethren.
2. That the acts of the Generall Assemblies and caveats therein precrybed anent Bishops be obserued.
3. That they fall vse no jurisdiction or power farder than the Moderators of Presbyteries and Provinciall Assemblies has bein in use of, be the constitutions of the Kirk befoir..
4. In case it fall happen the Moderators of Presbyteries or Provinciall Assemblies to be absent the time of thair convention, then it fall be in the power of the saids Provincialls and Presbyteries, to nominate and choose out the wifel and gravest of their brether, to moderate their meitings in absence of the saids Moderators.
5. Quhen the place of the Moderator in any Presbyterie fall happen to vaise, the election of another to succeed in his rowme, fall be made be the

whole Provinciall Assemblie, with consent of his Majesties Commisioners, if any happen to be there present for the tyme.

6. And quhen any of the saids Moderators fall happen to depart this life betuixt Assemblies, it fall be lawfull to the Presbyteries to nominat ane of the gravest and worthiest of their number to continue in the Moderation of the Presbyterie quhill the nixt Provinciall Assemblie.

7. The Moderators of the Presbyteries fall be subiect to the tryall and censure of the Provincials; and in case it fall happen that they be found to have been remiss in the discharge of their dutie, or [to have presumed] to usurpe over their brethren any farder power than is given them be the Assemblie, it fall be ane cause to them of deprivation from their office of Moderation, and they fall be depryved therrefra be the saids Provincials.

8. In lykemanner, the Moderator of the Provinciall Assemblie fall be tryed and censured be the Generall Assemblie; and if he be found there, or to have been remiss from his office of Moderation, or to have usurped any farder power nor the simple place of ane Moderator, he fall be depryved fra his said office of Moderation be the Generall Assemblie.

9. That the Moderator of ilk Presbyterie and Provinciall Assemblie, with their Serybes, being chosen, faithfull, wife, and formall men, be astrictit to be present at all Generall Assemblies as members therof, and to have the Register of the acts and proceeding of the Presbyteries and Provincials there present with them, that their fidelitie and diligence may be fein be the Generall Assemblie, and the estate of the countrey therby knawen.

10. That it fall be leisum to ilk Presbyterie to send Commisioners to the Generall Assemblie, by and attour the Moderator and Serybe, two or thrie, according to the act of the General Assemblie anent the Commisioners from Presbitries to General Assemblies, if they fall think it expedient.

11. That it is heirby declared, that notwithstanding of any thing done at this tyme, the Sessions, Presbyteries, Provinciall and Generall Assemblies, are to be obserued, keiped, and obeyed as they have bein heirtofor.

12. That the Moderator of the Generall Assemblie be chosen be vote of the said Assemblie, certaine leits being first nominat and proponed frielie, as vse hes bein in tymes bypast.

13. That in everie Provinciall Assemblie quher there is no Bishop making and aetuallie lawfull residence, and haveand the Moderation of ane of the

Prefbyteries, the Moderators of the Presbyteries within the said Province beand proponed on leitt, the meitest of them fall be chosfen be the said Assemblie Moderator thereof, his Majesties Commissioners consent there present beand had thereto.

And farder, the Conference having examined the rolls of ilk Presbyterie, to lie if any was meiter to vse the office of moderation than these quihilk befoir hes been nominat to have the care of the delation of Papists and vncommunicants, they fand in their judgement, that the fame persons was of all vthers, in everie Presbyterie, meitest alsweill to moderat as to haue care of delation forfaid ; revereand alwayes vnto the Ministers of ilk Presbyterie here conveinit, their awne priviledge and power, to nominat vnto the Assemblie a meiter, if any be in the Presbyterie, for the moderation : And therefore the said Conference finds it expedient, that the persons forfaids accept and take vpon them presentlie the said office of moderation within the Presbyteries respe<sup>c</sup>tiv<sup>e</sup>, and that the Presbyteries embrace and allow of them ; and for this effect, that the saids Moderators and Presbyteries be requiefted thervnto earneſtlie be this Assemblie, and if neid beis, lykewayis charged, that the Kirk of God be not long frustrat of the comfortable effects that the forfaid ordour is able shortlie, be the grace of God, to produce.

This overture beand proponed and declared at lenth in presence of the full Assemblie, everie article and heid therof was with ane vnfiform consent and allowance approved of all, without contradiction, except only so farre as concerned the Moderators in moderating of Presbyteries, and their continuance in the office of the Moderation beond the accinlomed tyme, quheranent certaine doubts beand proponit and satifified, and the Bishops haveand given their declaration foorth of their awne mouthes anent their intentions and purpose, to be subiect unto the acts and caveats of the Generall Assemblie, and to make residence within such a space as fould be limitated to everie ane of them be this present Assemblie ; and if it fould be found expedient for the well of the Kirk, that other meiter and more worthie than they to posseſſe and occupie their places, to demitt their benefices at the pleasure of the Assemblie ; his Majesties consent [and approbatione] beand had thereto, wherein they promised, and if neid were, to be earneſt fuiters at his Majesties hands. Lykeas some of them declared, that they had alreadie moft humblie craved the fame of his Majestie for the reſpect they had to take away all offence from their brethren, provyding

awlyes if aither, vpon his Majesties adyye or proposition to the Assemblie, or their awne supplication, the Generall Assemblie be moved heirafter, to grant them any relaxation of any of the caveats, quibilk vpon good reaon might appeare to the faid Assemblie to be over strait, that this their promise fall make no derogation to the libertie quibilk the Assemblie heirafter fall be moved to grant them.

It was voted, and be pluralitie of votes concluded, to witt, his Majesties Commissioners, whole Nobilitie, Erles, and Barrons, to the number of threttie-three, together with ane hundredth twentie and faxe of the Ministrie votting affirmatiue, that the faid overtture anent the continuance of the Moderators quhill the present division of the kirk be removed, and the whole brethren broght to that unitie of mynd and affection quibilk is agreeable to their calling, and may serve best to the furtherance of the cause of God, and overthrow of all contrarie caufe, and the Papists als fullie represt or brocht to the obedience of the Gospell, shoulde passe and be enacted as ane of the conclusions of this Assemblie; the forsaids caveats beand awlyes keiped be everie ane of the faids Moderators, and the contraveiners censured and punished as is befor expreffed; foure only of the whole Assemblie be their votes disaffenting therfra, and vther foure refusing to vote for want of commiffion fra their presbyteries, and twa beand non liquet.

Extraet foorth of the Book of the Acts of the Assemblie at Lynlithgow,  
and subscryvit be the Moderator and Scrybe thereof.

Sic Subscribitur,  
James Nicolson, Moderator.  
Master Hendrie Philp, Scrybe.

#### THE NAMES OF THE MODERATORS OF PRESBYTERIES.

ZETLAND. Mr James Pitcairne.

ORKNAY. The Bishop of Orknay, in his absence Thomas Swinton, vpon his expenes.

CAITHNES. The Bishop of Caithnes, and in his absence Mr Samuel Bruce, vpon the Bishops expenes.

TAIN. Mr Johne Ros.

ARDMANNATH. Mr George Monro, to be payed by the Bishop  
of Ros quhill he be resdient ther himselfe.

INNERNES. Mr James Bisshop.

FORRES. Mr James Dundas.

ELGIN. The Bishop of Murray.

DUMBENNAN. Mr Robert Hay, and failȝeing of him Mr George  
Chalmers.

CULLEN. Mr George Douglas.

BAMFF. Mr George Hay.

DEIR. Mr Abraham Sibbald.

ELLONE. Mr John Reid.

GARIOCH. Mr Robert Burnett.

AUFURD. Mr Alexander Guthrie.

KINKARDIN ONEILL. Mr John Strauchane.

ABERDEIN. The Bilhop of Aberdein.

MERNES. Mr Andro Ramfay.

BRECHIN. Mr Dugall Campbell.

ABERBROTHOK. Mr Arthur Futhie.

DUNDIE. Mr John Ramfay.

MEGLE. Mr James Nicolsone.

PERTH. Mr Alex. Lindefay.

DUNKELD. Mr William Glafs.

COUPER. Mr William Scot, and till his return Mr Johne Cald-cleuch.

SANCT ANDROIS. The Bishop of Sanct Andrews, and in his absence Mr Robert Wilkie, to be payit be the Bishop.

KIRKADIE. Mr John Michelfone.

DUNFERMLING. Mr Johu Fairfull.

AUCHTERARDOUR. Mr John Davidfone.

STRIVILING. Mr Patrick Simfone.

LYNLITHGOW. Mr Robert Cornwall.

EDINBURGH. Mr John Hall.

DALKEITH. Mr George Ramfay.

HADDINGTOUN. Mr James Carmichaell.

DUNBAR. Mr Edward Hepburne.

CHIRNESYDE. Mr John Clappertoun.

DUNCE. Mr David Hoome,

MELROS. Mr John Knox.

KELSO. Mr James Knox.

JEDBURT. Mr John Abernethie.

TWIDAILL. Mr James Logane.

LANERICK. Mr William Birnie.

HAMILTOON. Mr Robert Dalkeith.

GLASGOW. The Bisshop of Glasgow, and in his absence Mr Patrick Sharp.

PAISLAY. Mr John Hay.

DUMBARTON. Mr John Blackburne, and quhill he make refidence, Mr William Stewart.

AIR. Mr John Inglis.

IRWING. Mr Alexander Scrimgeor.

DUMFRIES. Mr Thomas Ramfay.

KIRKUDBRIGHT. The Bisshop of Galloway, and in his absence, Mr Robert Glandynning.

WIGTOUN. Mr James Adamfone.

ARGYLE. The Bisshop of Argyle.

ISLES. Mr Robert Stenart in absence of the Bisshop, and on his expenes.

#### Extract.

James Nicolson, Moderator.  
Master Hendrie Philp, Scrybe.

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Followeth the tenour of Letters of Charge to Prelbytries to accept  
constant Moderatours.

James by the grace of God &c. For as much as at the General Assemblie of the Kirk kepted at our Burgh of Linlithgow, in the month of December last, and assysted be a very frequent number of the Nobility, Counsel, and Barons of the Kingdome, it was thought very meet and expedient, and in end concluded, and aggred with uniform consent of the Assemblie, that for the well of the Kirk, and staying of the grouth and number of Papists in this our Kingdome, there shold be a constant Moderator for a certain space nominated in every Prelbytrie, who shold have the charge to inform the Lords of our Secret Counsell of all Papists and recusants in their bounds, and to fute the execution of our laws against them, as in that Act made thereupon at length is contained : Which being seen, and considered be us, we have not only allowed and approved the fame, and interponed our authority thereto ; but have recommended to our Counsell, that they have a special care and reguard to fee the fame receive due obedience and execution ; likeas . . . . . was nominated and appointed Moderator of the Prelbytrie of . . . . . And albeit it was hoped that this godlie and necessar conclusion, importing so highly the well of the Kirk, shold have been with all thankfullnes received and embrased be the Prelbytries of this our kingdome : nevertheless the Ministers of the Prelbytries of . . . . . for what canfe we know not, refule, at leaft delay to receive the said Moderator, and conforme themfelves to the ordinance and conclusion foreaid, the continuance whereof will altogether make the fame inefftual, without remeед be provided. Our will is herefor, and we charge you ftraightly and command, that incontinent these our Letters seen, ye pafs, and in our name and authority command and charge . . . . . all Minifters of the Prelbytrie of . . . . . and their Clerk of the faid Prelbytrie, to conform themfelves to the ordinance and conclusion of the faid Assemblie, and to receive their faid Moderator, and to acknowledge him in all things dew to the priviledge of that office, without excuse or delay, within 24 hours next after they be charged be you thereto, under the pain of rebellion, and putting of them to our horn ; and if they fail therein, the faid space being bypassed, that ye incontinent thereafter denounce the diffobeyers our rebels, and put them to

our horn, and escheat and inbring all their movable goods to our use for their contemption. The which to doe we committ to you conjunctly and severally our full power be thefe our Letters, delivering them be you dewly executed, and indorfed again to the bearer.

Givin under our Signet at Edinburgh the vi day of January,  
and of our reigne the 44 year 1607.

Per actum Secreti Consilij. James Primrose.

. . . . .

Proclamation for proroguing the General Assembly indicted at Linlithgow  
to be holden at Halyrudhous the last Tuesday of Julie.

James be the grace of God, King of Great Britain, France, &c.: For as much as the increase of the adverfaries of the truth, and contrarie profefours, has proceeded of nothing fo much as of the diftention of the Miniftrie of our kingdome of Scotland, fome of them by natural inclination being enemys of quietnes, and turbulent fpirits, making choice rather to drink in mudie water, than to taste of the clear fountain, being emboldened be reafon of the societie of a great many others who being guiltie of themfelves, of their own unworthienes, and fmall gifts in that reſpeſt, out of all hope of preferrment, and therupon envayous, and uncharitable toward their brethren of the beſt quality; and all of them runne and concur together like a headſtrong faction to uphold and maintain an anarchie, and thereby to induce diſorder and conſuſion in that Church, to the great hindrance of the progresſ of the Gofpel, and diſhonour and ſcandal of the profefours thereof: Whereupon we of our princely care and fatherly affection to the peace of the Kirk, deſiring rather in them to extinguith the fire of diſtention, than to ſuffer it to grow to any conſuſion, and being ever willing to an uniformity of minds and affections, did therupon appoint a moſt grave, frequent and ferious Asſemblie, to be kepted at Linlithgow in December laſt by-paſt, of a great number of the moſt godlie, zealous and well affected of the Nobility, Counſel, and fmall Barons, from all the parts of that our kingdome, as also the moſt learned and experienced, wife, godlie, and diſcreet of the Miniftrie, from all the Prefbytries in great number, by whofe travells, care, and wiſdom, every occaſion and pretext of griefe was in ſuch moderation and godlienes removed, that as the fame did yield us contentment, fo was every

thing done in that Assemblie with a great and general applause of all, giving great hopes, that from that furth there should be nothing found but unitie and concord in the Kirk, and that all their meetings thereafter should be full of peace and love ; and thereupon, be our special warrant and allowance, it was specially appointed, that the nixt General Assemblie should be conveened and holden at Halyrudhous, the last Tuesday of July nixt to come : But we now perceiving, that, by the means of these evil disposed, turbulent, and contentious spirits, all the proceedings of that Assemblie are brought in question, and traduced ; and by some no obedience given, and by others direct opposition made to the Acts concluded at that time, and therewith among the brethren such distractiōn of minds, and bitter exasperations one against another ; and howsoever the meeting of the brethren, if it were in love and peace and unity, no doubt would be good in that Kirk ; so there is no question, but their conveening with a preoccupyed mind fraught with envy and malice, would give the enemys too much advantage to enter by that breach of their discord and division, to make themselfes strong, and weaken them : Therefor, we, to preveen the danger that is imminent to the estate of the Kirk by the distractiōn of mens affections therein ; and that the General Assemblie may be keeped with the greater tranquillity and peace, have thought meet and expedient, the whole Provincial Assemblyes, within that our kingdom, shall be keeped and holden at their ordinary places of meeting the 4 of August next to come ; and that in every one of the faids Assemblyes there be chosen two of the most godlie, peaceable, wise, and grave, of the best experience of their number, with power and commission to conveen at Halyrundhous, the 27 of August next to come, with the remanent Commissioners of the Provinces, and with the Commissioners of the General Assemblie, and such of our Cōunsel as it shall please us to nominat for that effect, there to confer, reason, and conclude, by common advice, upon the most convenient remedys against these evils, which, for lake of sufficient preparation, might fall out at the said General Assemblie, that thereafter the same being holden and keeped in such a quiet and peaceable manner as might bring true comfort to the godlie, and terroure to the wicked : And, in the mean time, we have thought expedient, that the General Assemblie, which was to be holden, be prorogued to the 24 of November nixt to come ; and that no person presume to keep the faid Assemblie in any place whatsomever, untill the time that the Commissioners from the Synods first proceed in their meet-

ing ; and we have appointed the place of keeping the said General Assembly to be in Dundie the day foresaid. Our will is herefor, and we charge you straitly and command, that incontinent thir our letters seen ye pafs, and, in our name and authority, make publication and intimation hereof be open Proclamation &c. Certifying all such as upon any pretext whatsoever shall presume to conveen and assemble themselves, contrare to the tenor and intent of this our Proclamation, they shall be punished and proceeded against, as contemners and disobeyers of this our most royal commandment.

Given under our Signet at our Court of Greenwich the 24 of May, and of our Reigne the 45 years.

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#### Proclamation by the King, for proroguing the General Assembly.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. For as much as the General Assembly being appointed to be kepted in the month of November nixt to come, at our Burgh of Dundie ; and upon a speciall regard to the well of that Church, for the preventing of all disorder and confusion in that meeting, which ought to be a president, and shoud give good example to all others of good order, discretion, and dutiful carriage, we having ordained a meeting of some Commissioners from every Synod in September laſt, to the effect all things may be ſo duetifully prepared as the adverſaries of the Religion ſhould not take any advantage of the contentions amonſt the Brethren at their meeting : But ſo perverse is the diſpoſition of ſome, who doe account nothing for oracles, but the invention of their own brain, that diſdaining the courſe concluded be us, and by all appearant directly oppoſing themſelves to the peace of that Church, by abſenting themſelves, or withſtanding the ſending of Commissioners to the foreſaid meeting, which was appointed in September laſt, as ſaid is, doe clearlie thereby de monſtrat their unquiet and unrulie inclinacion, as too manifeſtly appears in this their iſolent and wilfull miſregarding of these Acts of the Assembly at Linlithgow made with ſo uniform an applaue : but whereas this was more than ſufficient cauſe to have stayed the meeting of the ſaid Assembly, which, without this preceeding preparation, muſt needs be tumultuous and disorderly ; ſo in like manner, Gods preſent viſitation of our ſaid Burgh of

Dundie be the Plague, inforceth the prorogation of the faid Assemblie to some other time. As also whereas the last Assemblie kepted in our presence, before our comeing out of that Kingdome, special Commission was given for visitation, the reports whereof are the only special things to be treated on in this Assemblie ; yet so great has been the neglect of them who were appointed to goe every one in Circuit within the bounds of their visitation designed, that hitherto the same hath been pretermitted. To the effect, therefor, that in this point the conveening of the faid Assemblie shold not be ineffectual, we have, by our special Letters, willed these Commissioners then appointed every one to have care in reporting against the time of the Assemblie hereunder mentioned, their severall reports of their travells and tryels in their visitation ; having also nominated others in place of such of the said Commissioners as since that time are either defesead, exiled, or confined. Our will is, herfore, ye pafs, and in our name and authority make publication and intimation be open Proclamation, at the Mercat Crosses of our Burghs of Edinburgh, Perth, Dundie, and other places needful, that the General Assemblie is continued and prorogued to the last Tuesday of Aprile nixt to come, at which time it is to be keeped within our faid Burgh of Dundie, and betwixt and then it may be hoped that it may please God of his mercie to remove the faid plague of pestilence. And in this mean space all Clergiemen whatsoeuer of whatsoeuer rank or degree are discharged heerby; like as that ye in our name and authority discharge them of all conveening in anie form of pretended Assemblie at our faid Burgh of Dundie, or any part ells, the said 24 day of November nixt, or any day thereafter before the faid last Tuesday of Aprile, under the pain of incurring our high displeasure ; and the contempt of the same to be punished in most severe manner and highest degree. The which to doe &c. Be these our Letters given at our Court of Roystoun, the 18 day of October, and of our Reigne the &c. Per Regem.

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Proclamation by the King for again proroguing the General Assemblie.

James by the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. our Sheriffs in that part conjunctly and severally, specially constituted, Greeting.

For as much as the General Assembly of the Kirk having, upon many

necessary considerations, received sundrie continuations heretofore be our special command and direction, we, of our princely care, and fatherly favour, and affection to the peace and well of this Kirk, having left no good means unassayed to extinguish the fire of division standing amongst the brethren, and to bring them to an uniformity of minds, and harmonie, and charity, and they themselves made the more able and strong to oppose themselves against the adverfaries of the truth, and contrarie professours, whose increasing number and practises hath proceeded of nothing so much as the dissencion amongst the Ministrie: and the last prorogation and continuation having proceeded upon a godlie course and resolution intended by us be directing of the Commissioners nominated be the General Assembly with our consent, to have visited the whole Presbytries and particular congregations within this our kingdome; the said visitations, in respect of the long and great strom, and unseasonable time of the year, have received no effect nor execution. And we considering how that it is most necessar and expedient, that this visitation should yet preceed the said Assembly; and we being minded, if the necessity of other weightie affairs impeſche us not, to honour this our native country with our own presence this year, and to be present ourſelf at the said Assembly, and be our royal authority ſettle the preſent jarres and diſferences in the Kirk, and eſtablish the ſame in a perfect unity, love, and harmony: Therefor, we have thought meet yet to prouoat and continue the ſaid Assembly until the laſt Tuesday of July nixt to come, upon which day, God willing, it ſhall begin and hold at our Burgh of Dundie. Our will is herefor, and we charge you ſtraiſtly and command, that incontinent theſe our Letters ſeen ye paſſ to the Mercaut Croſſe of our Burgh of Edinburgh, and other places needfull, and there be open Proclamation make publication hereof, wherethrough none pretend ignorance of the ſame; and that ye in our name and authority command and charge all and sundrie our ſubiects of the Ministrie, that none of them preſume nor take in hand to hold or keep a General Assembly at any time or place before the ſaid laſt Tuesday of July nixt to come, under all highest pain and charge that they may committ, and . . . . against us in that behalf. The which to doe we committ to you, &c. deuily exequed, and indorſed again to the bearer.

Given at our Court at Whitehall, the 24 of December, and of our Reigne the 5, and 41 years 1607.

Per Regem.

. . . . .

Articles agreed upon be the Brethren conveened at Falkland the 16 of June 1608, and be way of advice recommended to all the Presbyteries within the kingdom.

1. That the questions prefently standing in controversie among the Ministers anent the matters of government, be untouched and unhandled on either side, till the nixt General Assemblie, and no occasion given, be privat or public speeches, of any farther distractiōn of minds; but that all by good countenance and otherwise kythe themselves to others, as Brethren, and Ministers of Christ, setting themselves with their endeavours, specialy in doctrine, against Papists, their superflitious religion, and proud pernicious practises.
  2. That the General Assemblie hold at the time appointed, which is the last Tuesday of July; and that his Majestie be most humblie intreated for that effect.
  3. That in the said Assemblie the commoun affars of the Kirk shall be handled, and an account of the Comissions given in the Assemblie preceeding; and some solid course advised upon, for disappointing the practises of the enemys, and the advancing of the Gospel of Jesu Christ.
  4. That nothing which is in controversie and make strife in the Kirk, be treated in the said Assemblie; but the same be conferred upon in a private conference, be such as the Assemblie shall appoint to prepare a way for composeing these differences; and the Assemblie to appoint a meeting of brethren at fuch times, place, and manner, as they think fit for that effect.
  5. That request shall be made to his Majestie, for relaxing the brethren that are confined; and fpeciallie fuch of them as have been present at the Conference, that they may keip the said Assemblie.
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A. D. M.DC.VIII.

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THE General Affemblie of the Commissioners from the Presbitiries of  
the Kirk of Scotland, haldin at Lynlithgow, the 26 of Julij 1608 :  
In the quhilk were present the Kings Commissioner, viz. the Earle  
of Dumbar, &c.

Sessio 1<sup>a</sup>. 26 Julij.

Exhortatioun being made be Mr Patrick Galloway, Moderatour of the  
laſt Affemblie, the brethren, after the accustomed maner, proceidit to the  
electioun of the Moderatour of this preſent Affemblie. The leits being  
nominat, Mrs Patrick Sharp, James Law, Bischop of Orknay, John Michel-  
ſoune, Patrick Lindsay, John Hall, and Patrick Simſone ; be pluralitie of  
votis, Mr James Law, Bischop of Orknay, was choſen Moderatour hac vice.

The Affeſſours appointit to conveine with the Moderatour in the Privie  
Conference for treating of ſuch things as are to be concludit in the Affem-  
blie, are theſe : The Erles of Dumbar, Wigton, and Lawthian, with the  
Collectour Generall, his Majesties Commiſſioners, the Erles of Glencarne  
and Kinghorne, the Lords Grahame, Lindsay, Lowdoun, Blantyre, Halie-  
rudehous, the Lairds of Balmanie, Kinnaird, Kilſythe, Carnell, the Bischop  
of Caithnes, Mr William Dowglas, the Bischop of Aberdein, Mr George  
Hay, the Bischop of Brechin, Mr Andro Leich, Mr Patrick Lindsay, Bis-  
chop of Sanct Androes, Mr John Michelſoune, Mr Patrick Simſone, Bischop  
of Dunkeld, Bischop of Dumblaine, Mr William Cowper, Mr Patrick  
Galloway, Mr John Hall, Mr David Hume, Mr John Knox, Bischop of

Glasgow, Mr Patrick Sharp, Bisshop of Galloway, Mr Alexander Scrymgeour, Mr William Hamiltoun, Mr Thomas Ranisay, Bisshop of Argyle.

The houres of meiting are appointit to be, for the Privie Conference aught houres in the morning and twa afternoone ; and for the Assemblie nyne houres in the morning and three afternoone.

The brethren appointit for reiding and answering of the bills are Mrs Arthur Futhie, Henrie Philp, John Clappertoun, John Reid, Peter Hewat, Edward Hepburne, John Hay.

Seslio 2<sup>a</sup>. 27 Julij.

Forsameikle as one of the most speciall causes of the conventionn of this prefent Assemblie is for suppreßing of Papistrie and idolatrie, quhilk daylie more and more increases within this realme, and repressing of Jesuites, Papists, Seminarie Preifts, whose number still more and more increases within the fame, to the great dishonour of God and overthrow of true religioun profest within this realme, if the fame be not with fome solid remeid obviat in tyme : Therfor, it is thought expedient be the Assemblie, that befor all vther things, this article concerning Papists and Papistrie be first advyseit vpon and concludit. And to the effect that the Assemblie may the more solidlie and with the greater light proceid in the said matter, therfor they have ordainit, that the Commissioners of every Synod, at the rynging of this Seslioun, conveine themſelvies feverallie, and make ane roll containing the number of Papists and the names of them within the bounds of thair Synod : Secondly, The causes why Papistrie, idolatrie, and ſuperftition is come to fo great ane hight within this realme : Thridlie, The remeids for ſuppreſſing all forteſt of Papists and Idolaters within the fame, viz. Papists already excommunicat, Papists quho hes fworne and ſubſcryvit to the trueth, and get refuses to imbrace the famein ; and Papists that in word profesſes the trueth, but in actioun and in deid contrair the fame : Fourthlie, Quhat forme of proceidng every Synod hes vſit againſt the Papists within thair bounds : Quhilks articles the ſaid Synods fall put in wryte, and delyver the fame to the Privie Conference at thrie afternoone.

It is lykewayes ordainit, that every Synod fall make a particular roll of the names of ſuch as are refetters of Jesuites, traffiqueing Papists, and Seminarie Preifts within thair bounds, and delyver the fame privilie to the

Erle of Dumbar his Maiesties Commissioner, to the effect ordour may be takin theranent.

Item, Because the Marqueis of Huntlie hes been lang vnder proces and censure of excommunicatioun befor the Synods of Aberdein and Murray ; and in respect of his contumacie, and obdurat superstition of Papistrie and Idolatrie, they have ordourlie led and deduceit the faid processe vnto the finall sentence, the giving foorth and pronouncing quherof hes been continuitt be them from tyme to tyme, vpon hope of his Lordships amendment, and turning from Idolatrie and Papisticall superstition to the true religiou presentlie profest within this realme ; and because they find no hope of the same, but, be the contrair, greater obstinacie : Therfor the haill Assembly in ane voyce decerns and ordaines the sentence of excommunicatioun to be pronuncit against his Lordship with all possible diligence, and continues the declaratioun of the place quher the same falbe done, and be quhom, to the nixt Assembly.

Sessio 3<sup>a</sup>. Eodem die.

In presence of the haill Assembly, compeirit Sir Thomas Ker of Hircha, Knight, in name of George Marqueis of Huntlie, and prefentit ane supplication, in name of the faid noble Lord, bearand as followes: Because that conscience is the only argument that moveit me this wayes to protract tyme till I have persytit resolutioun, and being farre from ane opinator, or ane that is givin over to selfe will, as appeirit be my geilding to conference, and, laflie, be my going to the Kirk, I first wold have craved, if possiblie it might have been done, that I might have been heard with my awin mouth, that I might most heartlie intreate it, that ane tyme might be condiscendit on be your Wildoms, within the quhilk, as it fall please you to conclude, I offer either to satissie the Kirk, or presently to find furetie vnder great fowmes to avoyd the countrey befor this day to be prefcryed be your Wildomes. Et sic subscrribitur, Huntlie. And conforme therto defyrit the same to be confiderit, and reueleit, in respect of the offers therin conteinit, the pronouncing of the sentence of excommunicatioun agains his Lordship might be continewit.

Wherewith the haill Assembly being rypelie advylit, fand the offers conteinit in the faid supplicatioun to be verie frivilous, and no wayes inclyning

to obedience and satissacioun; in respect quherof, and for many vther causes and consideracions, and in speciall, because his Lordship, be his band, subscryvit with his hand the last day of Junij 1608 geirs, presentlie produceit in face of the Assembly be the Commissioners of Aberdein, band and obleist himselfe to satissie the Kirk, be communicating betuixt the dait therof and the 17 day of July last bypast, vtherwayes the Ministrie to proced with the sentence of excommunicatioun against him, as at mair lenth in the said band is conteinit: Therfor, the haill Assembly, all in ane voyce, ordaines the sentence of excommunicatioun presentlie to be pronouncit against him be the Moderatour of the Assembly, in face of the haill Assembly, bnt any delay.

Conforme to the quhilk ordinance, Mr James Law, Bisshop of Orknay, Moderatour of this present Assembly, in face therof, in most solemne forme, pronouncit the sentence of excommunication against George Marques of Huntlie.

Quhilk sentence is ordainit to be intimat in all the kirks within this realme, be the Ministrie the nixt Sonday immediatlie after thair returning from this Assembly; and in speciall, they command and ordaine the brethen of the Synod of Aberdein and Murray to intimate the said sentence in the saids kirks immediatlie after thair returning, and inhibites and most straitlie charges them, and every ane of them, that they receive no offers of satissacioun from the said Marqueis, but the speciall [advyce] of his Majestie and the Kirk had thereto.

The Commissioners appointit in the former Sellioun for giving in the names of Papists, and [the caufes of] thair increase, and remeid to obviate the same, produceit thair particular rolls, containing the [said heads, which the Assembly thought good shoule be revised,] abridgit, and putt in order be the Bisshop of Glaſgow, Mr Patrick Symfone, Mr William Cowper, Mr John Clappertoun, Mr John Hall, and Mr George Hay, to the effect the same might be presentit be them to the Privie Conference the nixt morning, that therafter they may be intreattit in face of the Assembly.

Selliou 4<sup>a</sup>. 28 Julij.

Forfameikle as the brethren of the Presbitrie of Glaſgow and Synod of

Cliddifdaill, who were appointit to deale and conferre with William Erle of Angus, Lord Dowglas, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presentlie profest within this realme, did testifie in presence of the Assemblie, that they could sie no appearance in his Lordship of conversioun from his errors, but that rather by all evident tokins he was the more obstinat and obdurit in heretie of Papistrie, quhilke sometyme he abjurit befor, be subscryving of the true religioun presentlie profest within this realme : Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Glasgow to proceid against the said William Erle of Angus with the censures of the Kirk vnto the finall pronouncing of the sentence of excommunicatioun aganis him inclusivé, with all possible diligence, and that they pronounce the said sentence of excommunicatioun against him, betuixt and the 18 of September nixt to come ; to quhom the Assemblie comitts thair haill power to that effect, dischargeing and inhibiteing any of them to receive any offers of the said Noble Lord for absolving him of the said sentence, without the advyse of his Majestie and Commissioners of the Assemblie had and obteinit thereto.

Forfaneikle as the brethren of the Presbitrie of Perth, quho were appointed to deale and conferre with Francis Erle of Erroll, Lord Hay, for bringing of him from blindnes and superstition of Papistrie and Idolatrie to the acknowledging of the trueth presently profest within this realme, did testifie in presence of the Assemblie, that they could lie no appearance in his Lordship of conversioun from his errors, but that rather be all evident tokins he was the more obstinat and obdurit in his erracie of Papistrie, quhilke he sometyme abjurit before, be subscriving to the true religioun presentlie profest within this realme : Therfor, the Generall Assemblie decerns and ordaines the Presbitrie of Perth to proceid against the said Erle with the censures of the Kirk, vnto the final pronouncing of the sentence of excommunicatioun against him inclusivé, with all possible diligence, and that they pronounce the said sentence against him betwixt and the 18 day of September next to come ; to quhom the Assemblie commits thair full power to that effect, dischargeing and inhibiteing any of them to receive any offers from the said Noble Lord for absolving him fra the said sentence, without the advyse of his Majestie and Commissioners of the Assemblie had and obteinit thereto.

Forfameikle as be the declaration of [the brethren of] the Prefbitrie of Irwing, it was made known to the Assemblie, that after long dealing and conference had be them with the Lord Sempill for bringing him to the acknowledging of the trueth, [and embracing the true and sincere religion] presentlie profest [within this realme,] they could not reape any good fruit of thair labours and travells takin with him, but be the contrair he still continues obstinat and obdurit in his detestabill errorre of Papistrie and Idolatrie, to the great hurt and evill example of the rest of the countrey : Therfor, the Generall Assenblie presentlie conveinit charges straitlie [and commands] Mr Alexander Scrymgeour, Moderatour of the Prefbitrie of Irwing, vnder the paine of infamie and deprivatioun from his functioun, to pronounce the sentence of excommunicatioun against the said Lord Sempill, in the Kirk of Irvine, vpon the Sonday the 14 day of August nixt to come, after the fermoun, but any [delay or] impediment quhatfumevir : And that the haill brethren of the Ministrie within the bounds of the Synod of Kyle, Carrick, and Cunighame, intimat the sentence of excommunicatioun so pronouncit against the said Lord Sempill, every ane of them at thair awin Paroch Kirks, vpon Sonday nixt and imediatlie following therafter ; discharging and inhibiteing also the said Moderatour and remanent brethren of the said Synod to receive any offers of satisfacioun from the said Lord Sempill, but adyyfe of the Kings Majestie and Commisioners of the Generall Assenblie had and obtainit therto.

Sessio 5<sup>a</sup>. Eodem die.

The brethren appointit of befor for reviseing and putting in ordour of the causes of the increase of Papistrie within this realme, and of the overtures for remeiding and suppreſſing of the fame, gave in the faids caufes and remed thereof ; of the quibilk the tenour followes :

The caufes of the growth and increase of Papistrie within this realme are thought either to arise of the part of the Ministrie, or els of vther caufes arifeing from the Ministrie.

First, Thair negligence to lie the gouth in every parochin to be brought vp in the knowledge of the trueth by catechisg; and carelefnes to vrge provisioun for Schooles within thair bounds.

Secondlie, The rash and fudden admittioun of men to the Ministrie

that are not able to withstand and convince the adverfarie, a dangerous evill in the dayes of apostasie.

Thirdlie, The laike of care in Ministers to marke the offences, viz. to consider the course of the enemie, and to discover and dilate Jesuites and traffiquers against religiou, and vthers pervertit by them.

Fourthlie, The distraiction ariseing among the Ministrie, quhill as diversite of judgements hes drawin them vnadvysedlie to contrarie of affections, breeding carnall contentious among themselves.

#### Overtures for remeiding of the causes forsaids.

First, That it be of new ina&ctit, that all Ministers examine young chil-  
dren of the age of fixe geirs, and try that they have the Lords Prayer, the  
Articles of Belife, and the Comandements; in the quhilk thair parents  
salbe haldin to instruct them befor the saids geirs, together with some  
short forme of grace befor and after meate, and some short moruing and  
evening prayer: and agane, that thair growth in knowledge in greater  
points of religiou be tryed, that afterward it may please God to grant in-  
crease of knowledge at the age of fytein or faxetein geirs, they may be  
admittit to the holie Communioun.

Secondlie, That the Apostles precept be confidderit, Lay hands sud-  
dainlie on no man: And according to it, that for closing of the doore vpon  
the affectiouns of men, some longer tyme to be prescryvit for admisioun of  
men to the Ministrie; the exceptioun of rare gifts being referrit to the  
judgement of the Generall Assemblie.

Thirdlie, That Ministers quho salbe found after tryall to have delayit  
the executioun of discipline against Papists vpon negligence, that is, either  
not beginning proceffe, or, if it be begun, not ending the same within halfe  
ane geir, fall lose ane geirs stipend; and those that salbe found to have  
done it vpon some corrupt favour, salbe simplie depositeit.

Fourthlie, That ther be recomendit to the Ministrie a holie care mutu-  
allie to eschew offences, and follow peace and love quhervnto we are callit.  
The meanes for removing such offences is referrit to the Generall Assemblie.

Causes of the growth of Papistrie as they are conceivit to aryse of vthers.

First, The oversieing of Seminarie Preifts and Jesuites to traffique within

the land, for perverting of such as hes not had occasioun to goe out of the countrey, and impunitie of such as hes receivit them ; as also the libertie of evill dispoſed persons voyde of knowledge, hes takin of the iniurie of tyme, to bring hame the books of apostats and profeſt Papists.

Secondlie, The preferment of men ſuſpect of religiouſ to publick offices within this realme.

Thirdlie, The favour shewin be theſe that are in authoritiſ to traffiquers and excommunicat Papists, after that they had been apprehendit [and wardit,] ſick as the Abbot of Newabbay and vthers Mefs Preiſts dimittit out of ward, as it is thought not without reward, and without all warrand of his Majeftie, and preſentlie tolerate in the countrey without perfute, quhilk hes not only wrought a coldnes in religiouſ in the hearts of many peiple, bot also nourifchit a falſe opinioſ of his Majeftie, quhilks oppinly burſtſ out in the mouthes and ſpeacheſ of many.

Fourthlie, That quher Prefbitries are proceeding in the tryall of Mefs fayers and mefs hearers, impediment is made by the Lords of his Majefſties Counſell, either by advocation before the Lords, or diſpenſatiouſ to ſuch as are excommunicat, or by contramanding the Prefbitries to deliſt vnder the paines of horning ; and that excommunicatiouſ being producit againſt any perſone before the Judges, the fame is not regairdit, but proceſſe granted vnto him as if he were a member of the Kirk and not excommunicat.

Fyſtlie, The great libertie grantit to the ſubiects of this kingdome to repaire to ſuch parts, quherin nothing is taught but defec̄tiouſ from religiouſ, and treason againſt lawfull Princes, and no ſecuritiſ takin for thair conſtan‐cie ; and in ſpeciall, the ſending of Noblemenſ ſonneſ by ſuch as are in authoritiſ, foorth of the land, with ſuch convoy as may delyver them into the hands of Papists to be pervertit in religiouſ, quherypon many of them are become apoflats.

Laſt, The want of Preachers in many congregatiouſ in this land, ſo that in ane province thretie ane Kirks are to be found vakand, and in vtherſ ſome 17 as in Nitheſdaill, and in vtherſ 28 as in Annerdaill, and ſicklyke throughout many vther parts of this land.

#### Overtures for remeidiing of the cauſes forſaiſ.

First, That a commiſſioun be granted be his Majeftie to the Biſchop of every Synod, with ſuch weill affeſted noblemen and gentlemen as the Com‐

missioners of the Generall Assemblie fall nominat, to apprehend traffiqueing Papists, Jesuites, and Seminarie Preifts that does haunt within thair bounds, with power to charge the receipts to make patent doores and delyver them vp vnder the paine of treaffoun.

Secondlie, That his Majestie be humblie intreatit, that no Papists or suspect of Papistrie beare charge in Counsell, Sessioun, Governement of Townes, nor vther Publick Offices; and if ther be any in the estate preuentlie quhom his Hienes knowis, in his awin wifdome, to be men evill affectit towards religioun, that his Majestie wald be pleaseit to take ordour therwith.

Thridlie, That his Majestie will give ordour for executioun of his Hienes lawis against Papists and traffiquers with all rigour, and that no favour be grantit be any officer of estate without his Majesties privitie, vnder paine of incurring his lie displeasure; as also, that the Counsell make no impediment by thair letters of horning to discharge the proceeding of Presbitries against the perfsons forsaids.

Fourthlie, That Papists quho once have bein knowin professours of Pa-  
pistrie, and for eschewing of civill paines, or hope of preferment, will abjur  
thair religioun, that his Majestie will please to cause inact, that it fall not  
be laufull to fuch to enjoy any office or honour in the Commonwealth, notwithstanding of thair aith and communicating, vntill syue yeirs probatioun  
have bein takin of thair constancie and sinceritie in the professioune of the  
trueth.

Fyftlie, That the Act made at Bruntiland concerning the sons of noble-  
men and vthers passing vnto other countries be confiddered and confirmed,  
quherof the tenour followes:

Item, For eschewing of farther ill quhilk might come to the estate of religioun, be the evill educatioun of the gouth foorth of the countrey, it wald be cravit of his Majestie and Secretit Counsell, that such noblemen and vthers as directts a paedagogue with thair sons foorth of the countrey, that thair paedagogue be knowin godly and of good religioun, learnit and instruetit in the same, and approvit in his religioun be the testimoniall of his Presbitrie; that thair remaining foorth of the countrey be in the places quher the religioun is preuentlie profest, or, at the leift, quher ther is no restraint of the same be the crueltie of Inquisitioun; that dureing the tyme of thair absence they fall not have any idolatrous exercise of religioun; and such as hes not the moyen to sustaine a paedagogue with thair sons

foorth of the countrey, that they send them to sick parts quher ther is no restraint of religioun ; and in case thair sons, after thair departure out of the countrey, haunt these parts quher the [professioun of the] true religioun is restraintit, that they find cautioune not to intertwaine them. And in case any that passis foorth of the countrey imbrace any vther religioun then that quhilke is presentlie profest within this realme, and this to be ane exceptione against the service of thair brevis, and at the tyme of the admisioun of them to any office or honours ; and in case any of thair parents contravene any of these premisses, that they incurre such paines as his Majestie and Secret Counsell fall modifie ; and that such as are alreadie out of the countrey either be callit back againe befor ane day to be appointit be his Majestie and Secret Counsell, or els that thair parents be subject to the lyke conditionns as is befor fett downe, with such vther conditionns to be eikit as his Majestie fall think expedient : And in speciall, for better explanatioun heirof, that at every service of any man as heire to his father or any of his predecessours, he be not servit be the Shireff or any vther ordinar Judge to burgh or land, but the testimoniall of the Bisshop and Moderatour of the Prelbitrie quher he dwells, beirand the confession of his faith and integritie of religioun prefently profest within this realme.

Sextlie, That the sonnes of such noblemen as professes Papistrie be delyverit to the custodie of vthers thair noble friends that are of religioun, to be brocht vp in the knowledge of the truthe.

Seventhlie, That the searchers of merchandize broght hame from begond feas, be comandit to seafe vpon all bookes broght hame, and present them to be tryit be the Ministrie of the Prelbitrie vnto the quhilke they arrive ; and that all bookeellers lykewayes doe the same befor they make opini seale therof, vnder the paine of confiscatioun.

Aughtlie, That excommunicat Papists, speciallie such as be of rank, be apprehendit and put in close ward, and none have accessse vnto them but such as are of religioun presentlie profest.

Nyntlie, That his Majestie give ordour for the downe casting of the Laird of Gichts chappell, the house of John Chein in Effilmonth, quho receipts all Jesuits and Seminarie Preifts.

Tentlie, That ordour be takin with the Pilgrimages, viz. the Chappell callit Ordiquhell and the Chappell of Grace, and ane Well in the bounds of Enzie, on the south fyde of Spey.

Elevintlie, That sick persons as are or falbe excommunicat and beares

publick office within this realme, and therafter put to the horne, that they nor thair deputs fall bruik no office nor authoritie vnder his Majestie after thair denunciatioun, but that his Majestie fall appoint vthers in thair rowmes to doe and ministrat justice to his Majesties lieges.

Last, That his Majestie wald take ordour anent the planting of the Kirks that are presentlie destitute of Pastors, and in speciall, anent the Kirks of the Chappell Royall.

Quhilks haill caufes of increase of Papistrie within this realme, with the overtures for remeiding therof, the Assemblie hes thoght expedient that the same be direct to his Majestie, with ane humble supplicatioun, requeifing his Hienes to take such ordour theranent, as his Majestie fall think most expedient for repreffing of Papistrie, and increase of the trueth and light of the Gospell within this realme: whervnto the Erle of Dumbar, his Majesties Commissioner, with the remanent of the Nobilitie presentlie conveinit in this Assembly, hes promisit to concurre: And therfor the Assemblie hes nominat, and be thir presents nominats [George Earle of Dumbar,] Erle of Wigtoun, John Archbilchop of Glasigow, Levingtoun of Killyth, Mr William Cowper, Minister at Perth, James Nisbit burges of Edinburgh, and Mr William Hart of Prestloun, thair verie lauffull Commissioners, giving them their full power to prefent the humble supplicatiouns of this present Assembly to his Majestie, together with the causes of increase of Papistrie, and overtures for remeid therof above rehearlit, desiringe them that they wald earneſtlie intreat his Majestie to confider of the same; and if his Hienes thoght expedient to cause the same to be put to executioun, and that the rather because that after the last Conventioun haldin at Lynlithgow, quher ther was many good actis and constitutiouns fett downe and concludit, the Papists, nevertheleſſe, did moft prouidle and contemptuouslie vpbraide diverse of the Ministrie, manalling them that they or the nobilitie conveinit with them at that tyme, durſt be bold to conclude any thing that might pretend to the prejudice of Papists or Papistrie, as was cleirly vnderſtood be the brethren conveinit in this Assembly.

Sexto 6<sup>a</sup>. 29 Julij, Ante meridiem.

The quhilk day the Assembly thoght expedient, that the Commissioners above specified, electit and choen to prefent the supplicatioun of this present

Affemblie to his Majestie, as is above rebeairfit, fall with all commodious diligence repaire to his Majestie, and with all humilitie prefent the said supplicatioun to his Majellie, and quhat answier it fall please his Hienes to give, that they report the same betuixt and the 15 of November nixt to come : And to that effect the Affemblie hes chosin out of their number the Noblemen, Barrons, and Brethren vnderwrytin, viz. Erles of Craufurd, Mortoun, Glencairne, Lythgow, Kinghorne, Lords Grahame, Lindsay, Saltoun, Lovat, Torphichen, Lowdoun, Scone, Balclough, Blantyre, Halierudehous, the Conflable of Dundie, the Lairds of Kynnaird, Balvaird, Carnell, Houftoun, Admirioune, Broxmouth, Polwart, Sir John Hoome of Northberwick, The Commisioners of Edinburgh, Perth, Sanct Androes, Glasgow, with the brethren after following, viz. Mrs William Dowglas, Alexander Rawfone, Abraham Sibbald, John Reid, Arthur Futhie, Andro Ramfay, John Kynneir, David Lindsay, Adame Ballantyne, Patrick Weimes, Edward Hepburne, George Ramfay, William Methven, Patrick Shaw, William Birnie, Walter Stewart, Hew Fullertoun, John M'Quhorne, Thomas Ramfay, Robert Glendinning, together with the Commisioners of this Generall Affemblie, to conveine at Ediburgh the said 15 day of November nixt to come, and ther to receive from the said Commisioners the report of his Majesties most gracious answer to the supplicatioun forsaid, in name of the baill Affemblie : And in the meane tyme, the Affemblie commands and ordaines the haill Presbitries within this realme to proeid against Papists of all forte within thair bounds with the censures of excommuniacion.

The said day the Commisioners of the laist Generall Affemblie being callit to give count of thair haill procedidings since the laist Affemblie, compeirit and offerit themselves to be tryit in thair procedidings be this present Affemblie, and to abyde at the censure of the same ; and being demandit for producition of thair acts and procedidings in wryt, declarit be the mouth of Mr John Hall, thair Moderatour, in absence of Mr Patrick Galloway, that the same could not be found, be reson that sometyme vñquhile Mr James Nicolson, Minister at Meagle, and in his ablenesse vñquhile Richard Thomesoun, Minister at Cafliltoun, were ordinar serybes and keipers of the rolls of all thair procedidings, quho are both deceillit this lyfe ; and albeit they have made travells at their executours hands for obtaining of the saids scrowis, yet they could in no wayes attaine vnto the same ; and therfor they and everie ane of them did offer themselves to be particularlie

censurit be this present Assemblie; [in respect whereof the Assemblie] ordainit them all to remove: quilk being done, Mr William Couper, Moderatour, appointit to this effect, demandit publicklie, if any of the Assemblic had ought to object against the saids Commissioners proceedings why the same might not be ratified and allowit: and in respect of the taciturnitie of the haill brethren, and that nothing worthie of censure was objectit to any of them for thair proceedings, the saids Commissioners being returnit in the Assemblie, tooke instruments of the ratificatioun and allowance of thair saids proceedings.

The said day, the brethren of the Generall Assemblie presentlie conveinit having advyfedlie considerit the [necessity of] electing and chooling of Commissioners from this present Assemblie, for giving advyce to his Majestie for supressing of Papisticall superstition qulilk increases more and more daylie within this realme: Therfor they have made, constittute, and ordainit, lykeas they, be the tenour heirof, maks, constittutes, and ordaines Mr George Glaidstanes, Bisshop of Sanct Androes, Mr John Spottiswood, Bisshop of Glasgow, Mr David Lindsay, Bisshop of Ros, Mr Alexander Lindsay, Bisshop of Dunkeld, Mr Peter Blackburne, Bisshop of Aberdein, Mr James Law, Bisshop of Orknay, Mr Alexander Dowglas, Bisshop of Murray, Mr Gawin Hamilton, Bisshop of Galloway, Mr Alexander Forbes, Bisshop of Cathnes, Mr Andro Lamb, Bisshop of Brechin, Mr Andro Knox, Bisshop of the Yles, Mr Patrick Galloway, Mr David Hoome, Mr John Clappertoun, Mr John Knox, Mr Robert Howie, Mr John Hall, Mr John Caulcleugh, Mr John Strauchane, Mr Andro Boyd, Mr Andro Leich, Mr Robert Wilkie, Mr Patrick Sharp, Mr Patrick Symfone, Mr George Hay, Mr Patrick Lindsay, Mr William Scott, Mr Adame Ballantyne, Mr John Hay, Mr William Cowper, or any elevin of them, thair verie lawfull and vndoubtis Commissioners from this present Assemblie; giveand, grantand, and committand to them, or any elevin of them, as said is, thair full power to plant fuch kirks in the speciall Burrow-stounes as presentlie are or falbe [found] desilitate of Pastors, befor the nixt Assemblie.

Attour, If it fall happen the Kings Majestie to be greivit at any of the Ministris for quhatsoevir enormitie committit be any of them against his Hienes, with power to them, or any elevin of them, to try and cognosce therupon, and take fuch ordour theranent as they fall think expedient to the glorie of God and weill of the Kirk; and, finallie, with power to them

to present the greives and petitionis of the Kirk to his Majestie, his Illenes Secret Council, [Generall] Conventiouns, and Parliaments that fall happen to occure befor the nixt Assemblie, and to crave redresse of the same: ordaining them to give compt of thair procedidings to the nixt Assemblie quhen it fall happen to conveine. Promitten de rato, &c.

It is alwayes spaciallie provydit, that this present nominatioun of the same Commissioners, quhilks were for the most part Commissioners in the laist Assemblie, falbe no wayes prejudiciale to the libertie of the Assemblie in choosing and electing Commissioners quhom they fall think most meitt and expedient; neither fall this ele<sup>c</sup>tioun induce or import any perpetuitie of the office in the persons ele<sup>c</sup>tit.

Item, It is flatute, that the haill Commissioners be desyrit and warnit to keip all thair conventionis, if opportunelie the same may be done.

Forfameikle as the distractiouns and eyelifts, quhilk are suspectit to be in the hearts of the brethren among themselves, is one of the most spaciall and vrgent caufes of the increase of Papists and Papistrie within this realme: Therfor, for avoyding therof, that certaine of the brethren, viz. the Bischops of Sanct Androes, Glasgow, Ros, Orkney, Mr John Hall, Mr Patrick Simfone, Mr William Cowper, and Mr John Knox, convyne with his Majesties Commissioner to advyse vpon the most solid and substantious overture for removeing of the eyelifts and distractiouns, and to report the same to the Assemblie the nixt Sellioun.

Sessio 7<sup>a</sup>. 26 Julij. Post meridiem.

The faid day, the brethren appointit for advyseing vpon the best overtures anent the distractiouns and eyelifts that were entrit in the hearts of the Ministrie, declarit, that after mature deliberatioun they fand the saids eyelifts and controversies to arise either vpon distractiouns of affectionis, or vpon diversitie of opinions; the first quherof being carnall, and therfor more dangerous, because it sufferit not the brethrein whose affectionis were separatis to vnite themselves with esauld and vniforme counsell and advyce, to resist the subtile practise of the commoun enemie, and so give him place with his subtile crafts and schifts to enter in the Kirk of God, and therby to supplant and vndermyne the same: Therfor, thair advyce was, that as the danger increases be the nourisshing of the distractit affec-

tions of the brethren, even so the cure was the more neceſſar, and the more haſtilie to be applyit, to wit, that the haill brethren in the Miniftrie foulde preſentlie, in the feare of God, lay downe all rancour and diſtractiounſ of heart and affectionuſ, quhilke either of them heſ borne againſt vtherſ in any tymes bypaſt, and be reuited and reconciileit with heartie affectionuſ in Chriſt, as becomes them quho are Minifters of the Word of God, and Preachers of peace and Chriſtian love and charitiſ to his people; to the effect that by this heartie reconciliatioun, thair hearts and devyſe may be communicat for diſappointing of the craftie devyſe of the commoun enemie: Quhilke advyee the haill brethren of the Affembliſ moſt lovinglie and heartilie imbraceit, and ordainit every ane of them, afweill Commiſſioners preſent as of the Miniftrie that were abſent, to obey the fame by laying downe all grudge or rancour that any of the brethren doe bear e at vtherſ; in tokin quherof, and of the effauld vnioun of hearts and affectionuſ, they all held vp thair hands to God, teſtifieng to his Majellie the truthe of thair hearts in the faid matter: And lykewayes they ordainit the fame to be intimat to the reſt of thair brethren at thair returning to thair Prefbitriſ, to the effect that the famein may be done in every Prefbitrie immediatlie after thair returning, as faid is; inhibiteing alſo and diſcharging any ſuſh diſtractiounſ or rancour to be among them, either in affectionuſ, or in word, deid, or countenance, but that they concurre in ane muſuall friendſhip and holiſ amitie in God, as becomes the Paſtours of the Kirk of Chriſt; and quhoſoevir does in the contrair, that he be censurit in his awin Prefbitrie or Synod; and in caſe of thair negligencie, be the Commiſſioners of the Generall Affembliſ.

As for the ſecond caufe of eyleifts, quhilke is faid to arife vpon diuerſitie of opiniouſ, becauſe the faid diuerſitie of opiniouſ results vpon diſſeruent judgementſ amang the brethren concerning the externall governement and diſcipline of the Kirk, quhilke cannot be fo ſhortlie diſcuffit and advyſit vpon as the brevitie of this Affembliſ permitts: Therfor, it was the opiniouſ of the brethren forfaid, that the fame foulde be delayit to ane tymē more convenient, and in the meanetyme certaine appointit to reaſon, treat, and advyſe vpon the fame: quhilke lykewayes the Affembliſ heſ thought expedient, and therfor, they have elec̄tit and choſin the brethren after following, viz. the Biſchop of Sanct Androes, Biſchop of Glasgou, Biſchop of Dunkeld, Biſchop of Orknay, Biſchop of Cathnes, Mr Patrick Sharp, Mr Robert Howie, Mr John Michelfone, Mr Henrie Philp, Mr George Hay,

Mr Patrick Galloway, Mr John Hall, Mr Patrick Simfone, Mr William Scott, Mr Archibald Oswell, Mr John Knox, Mr John Carmichaell, Mr Adame Ballantyne, Mr John Weimes, and Mr William Cowper, thair Commiffioners in that pairt, to conveine with his Majestie, or sick of his Majesties Counfell as be his Majestie is appointit, [at such tyme and places as they shall be requyrit be his Majestie] and to treat, reafon, and consult vpon all matters standing prelentlie in controverfie among the brethren anent the discipline of the Kirk ; and quhatfoevir they aggrie vpon to report to the nixt Generall Assemblie.

And in the meaneytyme, quhill the nixt Assemblie, for ane interim, the advyse of the brethren conveinit at Falkland, the 16 of Junij last, be obſervit anent the constant Moderatour.

Item, It is flatute and ordainit, that as vpon every fyft day of Auguft, publick thanksgiving is given to God, for the preservatioun of his Majestie from the treason of sometyme John Erle of Gowrie, throughout all the parts of Great Britaine, that evin fo the fame be intimat at every paroch Kirk with all poſſible diligence, ordaining that ſuch as refutes to doe the fame, be obſervit and delait to the Commiffioners of the Generall Assemblie.

Item, Because the brethren appointit for tryall of the diligēce of the Commiffioners appointit be the laſt Generall Assemblie for vilitatioun of the Prefbitries, did report, that it was ane generall greife and complaint givin in be the few Commiffioners, that had produceit thair diligēce, of the great defolatioun of the want of Paſflours, and in ſpeciall of the fareſt of the South and North parts : Therfor the brethren ordaines the Commiffioners of this Assemblie to direc̄t ane supplicatioun to his Majestie for taking ordour for planting of the haill Kirks within this realme.

And in respect of the great neceſſitie of the Kirks of Annerdaill, Ewifdaill, and Eskdale, and the reſt of the Kirks of the Daills quhilk are altogether vnplantit, as lykewayes of the Kirks of Cathnes and Ros, in the quhilks it is regraſtit that in many of them the holie communione was never celebraſte : Therfor, the Assemblie has givin and grantit, lykeas they, be the tenour heirof, gives and grants thair full power and commiſſioun to the brethren vnderwrytin, viz. to the Biſchop of Glasgow, [and Mr John Knox,] for vilitatioun of the Kirks of Annerdaill, Ewifdaill, Eskdale, and the reſt of the Daills vnplantit, as faid is; and to the Biſchop of Cathnes, George Dowglas, and Mr William Dowglas, for vilitatioun of the Kirks of Cathnes and Ros, with power to them to plant Minifters at the Kirks

within the faids bounds respe&tivé; and to try the literature, qualificatioun, and conversatioun of such as are already plantit, and in case of vnsufficiencie to deprive them from thair fun&tionns; with power alfo to caufe kirks be reedified quher as they are demolished; and if neid beis to vnite kirks quher necessitie requyers; and to report thair diligence to the nixt Assembly: Promitten de rato &c.

Sessio vltima. Penultimo die Julij, ante meridiem.

Item, Becanſe ane great part of the defolatioun of Kirks proceids from the abſence of certaine of the Miniftrie from thair flocks, be reaſon they are fo confynit: Therfor, the Assembly hes thought it expedient, that thair Commissioners dire&t ane humble ſupplicatioun to his Majestie, humblie defyreand his Hienes to ſett at libertie ſuch of the Miniftrie as are confynit, to the effect be thair preſence and waiting on thair cure, thair flocks may be confordeſt, qubilks are now leſt defolate.

Item, Because it is humblie lamentit that the inhabitants of the towne of Aberdein ceaſes not geirlie to ele&t and chooſe ſuſh perſons to be Magiftrats and vpon thair Counſell as are wilfull and profeſt Papifts, and enemys to the trueth profeſt within this realme, to the diſhonouring of God, diſhearting of ſuſh as feares his name, and to the contempt of diſcipline within that burgh: Therfor, it is ordainit [be the Assembly,] that the Prefbitrie of Aberdein inhibit the Counſell and inhabitants of the faid burgh, that they ele&t nor chooſe no Papifts to beare office of ane Magiftrate or vpon any Counſell in any tyme comeing, and if they doe in the contrair, that they proceid againſt them with the cenfures of the Kirk; ordaining lyke-wayes the Commissioners appointed for his Majestie to adjoyne this petitioun to the reſt of thair ſupplicatiounſ, that by his royll authoritie ane civill paine may be imponit vpon the contraveiners of the faid a&t.

Item, It is ordainit, that no Minister in any tyme comeing fall take vpon him to foliſt in favours of Papifts, or ſuſpet of Papiftrie, either before the civill or ſpirituall Judge, or vtherwayes, either be word or wryte, vnder the paine of deprivatioun.

Item, Because ther is fundrie ſupplicatiounſ and bills givin into the Generall Assembly, qubilk for the ſhortnes of tyme cannot be decydit and anſuerit: Therfor, the Generall Assembly remitts the fame to thair Com-

millioners above constitute, ordaining them to conveine vpon the 15 day of November nixt to come, and ther to decyde and anfuer all fuch bills and fupplicationuns as falbe direc<sup>t</sup>it vnto them vpon the back, from this preſent Affemblie.

Item, Because it hes pleased God of his mercie to grant a good and happie fuceffe to this preſent Conventionn, to the conſort of his awin Kirk, and diſcontentment of the enemies, therfor the Affemblie ordaines the fame to be intimat be every Presbitrie at thair feverall paroch Kirks immeadiately after the diſſolving of this Conventioun, and that they give publick thanks for the fame, and pray God for a prosperous and long reigne to his Majeftie and the health of his royll poſteritie.

The nixt Generall Affemblie is ordainit to hald at Edinburgh the laſt Tuesday of May 1609 geirs, if his Majeftie fall think expedient.

Thanks being givin to God for the prosperous event of this preſent Affemblie be prayer and ſinging of psalmes, the fame was dimillit.

[Extract furth of the Registers of the Acts of the General Affemblie by me Mr Thomas Nicofone, Clerk Keeper and Extractor therof. C.]

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[Proclamation by the King for proroguing the meeting of the Commiſſioners appointed be the laſt Affemblie, from the 15 of November till the 6 of December.

James be the grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, To our Lovites, &c. Meſſengers, our Sheriffs in that part conjunctly and severally, ſpecialy conſtituted, Greeting. Foraſmuch as although the firſt advertisement of the godly forwardneſs and zeal kythed be theſe of our Nobility, Clergy, and the other Estates of this our kingdom, conveened lately in a General Affemblie at our Burgh of Linlithgow, did give unto us no ſmall cauſe of joy and contentment, that there ſhould be ſo great a number of well affe<sup>t</sup>ed and diſpoſed people in religion within our ſaid kingdome in theſe dayes, when blindneſs and ignorance have taken ſo great hold in forain parts; yet ſince that firſt advertisement, we are ſo much the more fatiſhied and contented with their whole proceedings, being

certified of the same at length by our own Commissioner who was present all the time thereof, and be repair hither of some Commissioners selected out of everie Estate, and directed be the said Assembly, suited unto us for the allowance of certain matters moved amongst them; upon the first hearing of which propositions, we having clearly discovered the true difference betwixt the lawfull and unlawfull meetings, and the good fruits that well licensed and lawfull conveened Assemblies will produce, concurring together in a continued harmonie to advert the common enemy, and to deliberat upon such matters, whereby his growth and increase may be stayed; and that such in whom errors are so far rooted as there is no hope of reclaiming, may be either utterly suppressed, or at least brought to that case, that they need not to be feared in any sort, or regarded; and not according to some late proofe of unlawfull conventicles, who upon a hair brained folie do preasse to rais a schism in the Church, and by division doe give that advantage to the enemy, that their untimous concurring afterward together will hardly gett remedied: and as love is the main point in all religion, so the tokens of a general uniformity amongst the Clergy and other Estates there conveened, uttered be them before the dissolving of their Assembly, did testify to the world, with what true sincerity and affection of heart that whole meeting was; wherein their proceedings, by excommunication of one of the great subjects in this land, did therewith shew the small regard they have to offend any that are of contrarie profession; which as we cannot but commend very much in them, so since the Almighty God hath been pleased to committ the Patronage of this Church in our dominions to our care and protection as his Lieutenant here on earth, and nurse Father of the same, we intend no way to be defective therein, but to assist all the lawfull proceedings of that Church, as well in advancing the Gospel as reprelling contrarie professors. And having considered the petitions brought unto us by these Commissioners sent from the said Assembly, as we doe very well allow of the same, so for the better encouraging of these who have had this turn in hand, of whom we hold everie one in their own degree to have deserved our special thanks, and to affray all such who dare kyngh themselves of a contrarie faith; it being certified unto us, that, at the dissolving of the said Assembly, certain of everie Estate were appointed to meet at Edinburgh, the 15 of November next, to attend the Commissioners return, and to understand from them our acceptation of the propositions brought hither with them; and we being willing not only to

declare our allowance of the same, but farther to authorize and countenance the same with our royal authority and pouer, have therefor thought meet to appoint a Convention of our Estates of this our kingdom, the 6th day of December nixt, against which time we doe intend to send down thither our particular pleasure and will concerning all these petitions preferred be the said Commissioners to us. Our will is, therefor, and we charge you ftraitly and command, that incontinent these our Letters seen ye paf to the Mercat Crofs of our Burghs of Edinburgh, Perth, Sterline, Glafgow, Dundee, Aberdeen, Elgine, Dumfries, and other places needfull, and there, in our name and authority, be open Proclamation, make intimation to all fuch who expect for the return of our answere at the said 15 day of November, that they repair to our faid Burgh of Edinburgh, the said 6 day of December nixt, where we intend not only a good, plausable and acceptable answere delivered for the true comfort of all good profefſours ; but that ſome fuch farther courfes alſo ſhall be concluded upon by our Estates to be at that time convened, as may moft avail for the prosecuting of . . . . . may both repreaffe the common enemy ; and that, in this happy union of the Church of that our Kingdome, God his glory may be advanced, and true religion profeffed.

Given at our Mannour of Hampton Court, the 2d day of October,  
and of our reigne the 6, and 42 years, 1608.

Per Regem.

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The Convention of Estates appointed by the Kings Proclamation to be holden at Edinburgh, on the 6 day December, was continued to the 24 of Januar, 1609.

On which day, the Kings Commisioner the Earle of Dunbar being preſent, there was holden at Edinburgh a General Convention of the Estates, to hear the report of the Kings answere to the Petitions of the laſt General Affembly. The Bishop of Glafgow, Mr John Spotwood, rehearſed at great length the Kings ſpeeches concerning the approbation of all that was done at the laſt Affembly, yea, that he commended the fame

so farre that he confessed, that if he had been there in his oun person he would neither have done more nor les than they had done. What concerned Papists and Papistrie, that, said he, his Majestie has granted abso-  
lutely, yea, hath sent the Earle of Dumbar armed with all authority needfull to doe, as they craved. But as for the Brethren that are under the Kings displeasure, who were banished, imprisoned or confined, that if they would make an humble supplication for their libertie, so gentle and clement was his Majestie, that he would be readier to grant, then they to suit. These things reported at length be the Bishop of Glasgow and Mr Willium Couper, Mr James Law, Bishop of Orknay, Moderator of the last Assemblie, asked at the Noblemen, what they thought of the Report. They all in one voice answered, they thought well of it, and praised God from their hearts, for giving them such a religious and gracious Prince, who had such a respect to the glory of God, and good estate of the Kirk, and hated everie thing that was prejudicial to the same.

Then were past the following resolutions. First, That the Bishops should be examiners of Pedagogues that passed with Noblemen and Gentlemens sons out of the countrie.

Item, That none suspected of Popery that are young Gentlemen, be entred to their lands, except they have the Bishops recommendation to the inqueifts, and a testificat of their soundnes in religion.

In end, mention was made of the Conference which was to be holden between the Bishops and the Ministers. The Bishop of Glasgow said, that a day was appointed already be the Earle of Dumbar, and the Commissioners of the Kirk, in Februar nixt to come ; and for that effect advertisement should be made to all having entrels.

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Follow the Memorials penned by Mr Spotswood, Bishop of Glasgow, sent to his Majestie by the Bishop of Galloway, Mr Gawin Hamiltoun.

#### Memorials to be propounded to his most excellent Majestie.

1. Yow shall relate the proceedings of the late Convention, and what affection some that were present kythed therein, that his Majestie may be forseen with mens dispositions, for the better choice of these to whom the affairs shall be concredited.

2. Yow shall remember the care we have had of reclaiming the Mar-

quise of Huntlie, and the Earle of Erroll, from their errorrs, and the smal profite we have seen thereof; and infist for his Majesties favour to the petition of our Letter.

3. Anent the Ministers that are confined, your Lordship shall excuse the request made be us in some of their favours, shewing how it proceeded; and farther declare, that of late they have taken course to give in supplications to the Counsel for their enlargeing to a certain time, for doeing their particular businesses at Seffion, and otherwise in the country; and that some of them have purchafed licence be the votes of the Counsel, albeit we opned: Therefor beseech his Majestie to remember the Counsel, that the confineing of thefe Ministers was for faults done be them to his Hienes self, and that they should be acknowledged and confessed to his Majestie, and his Hienes pleasure understood therein, before the grant of any favour; otherwise they shall undoe all that has been hitherto followed for the peace of the Kirk.

4. Touching the Ere<sup>t</sup>ions, it is our humble defire to his Majestie, that the Noblemen, in whose favours the same hath been paſt, may take order for the provisio[n] of their Kirks, according to the conditions made in Parliament, or then diſcharge their Ere<sup>t</sup>ions, which feems beſt to be done be an A<sup>c</sup>t in this infewing Seſſion of Parliament, for which his Majesties warrant would be had: And ſicklike, ſome course would be taken for the Prelacies ere<sup>t</sup>ed, which have paſt alſo the conſtant Platt; that the preſentation of Minifters to the modified ſtipends, at the vacancy of the Church, ſhould be in his Majesties hand, whereunto, although his Majesties exprefſ commandment was given of before, no head was taken be ſuch as had the charge of affaers.

5. Since this matter of the Commissariats importeth ſo much to the reformation of our Church government, as this being reſtored, in a little time the reſt may be ſupplied that will be wanting, it ſhall be good to remember it be a ſerious letter to my Lord Dumbar, that we may know in due time what is to be expe<sup>c</sup>ted. And ſince our greateſt hindrance is found to be in the Seſſion, of whom the moſt part are ever in heart oppofite unto us, and forbear not to kyth it when they have occaſion, you ſhall humbly intreat his Majeftry to remember our fuit for the Kirkmens place according to the firſt iſtitution, and that it may take at this time ſome beginning, ſince the place vacant was even from the beginning in the hands of the Spiritual ſide, with ſome one Kirkman or other till now; which

might it be obtained, as were most easie be his Majesties direction and commandment, there shoulde be seen a sudden change of many humours, in that State, and the Commonwell would find the profit thereof.

6. Anent our Conference with the Ministrie, your Lordship will declare the time that is appointed, and the reas ons of the continuation of the fame.

7. Because in the time of Parliament chiefly it shoulde be expedient to have the Bishops teach in the pulpits of Edinburgh, his Majestie would be pleased to command this to my Lord of Dunbar be a particular letter; and to require also the Ministers of Edinburgh to desire their help at that time, if it were for no other end, but to testifie their unity and consent of mind to the Estates.

8. Because the Kirk of Leith lyeth destitute in a sort through the Bishop of Rosse his age, and the imprisonment of Mr John Murray; and that the said Mr John is no way minded, as appeareth, to give his Majestie satisfaction; neither were it meet, in respect of his carriage, that he shoulde return to that Ministrie; and to insist in his deprivation with the Commissioners, might perhaps breed unto us a new difficulty: If his Majestie shall be pleased, we do hold it most convenient for this errand, that the said Mr John be conveened before the Counfel be his Majesties command, and be them be charged to ward in the Toun of Newabbay and some miles about, having libertie to teach that people, amongst whom he shall find some other subiect to work upon than the State of Bishops. And for the provision of Leith, that his Majestie will be pleased to command the Presbytrie of Edinburgh, in regard of the Bishop of Rosse his age, and the said Mr Johns transportation be his Hienes appointment, to have care that the said Kirk of Leith be planted with all convenient diligence be Mr David Lindsay sometimes Minister of Sanct Andrews, for whom both the people is earnest, and we may have sufficient assurance to his Majesties service. And in case the said Presbytrie prove wilfull, that another letter to the same effect may be sent to the Commissioners of the Generall Assembly, who may take order to see that matter ended, if such shall be his Majesties pleasure; and this would be done with all diligence convenient.

We cannot but remember also the misorder creeping in the countrie, that once was happily repressed, the wearing of gunnes and pistolls; and humbly beseech his Majestie, that some new course may be established be searchers of such persons, and delating of them to the Counfel, that they

may be punished ; and that the Treafurer may have commandment to make choice, in everie country, of certain that shall be thought fitteſt to ſearch, which thall be known only to his Lordſhip ſelf, and ſatisfie them for their pains, to the end this iſolence may be reſtrained. Particulaſly it would be forbiden in the granting of Commiſſions, that this liberty be not permitted ; for this is one of the cauſes of their ſo open bearing, as ſaid is.

These particulaſ, your Lordſhip will have care to propone to his Majef‐tie at ſome fit time, and fee the anſwers thereof diſpatched accordingly.

Your Lordſhips ſhall remember my Lord of Cathneſ and his penſion.

GLASGOW, be warrant, and at the deſire of the  
reſt of my Lords the Biſhops.

My Lord, when your Lordliſhip thall ſpeak for the help of our Kirks, be the fall of theſe men that poſleſt our livings, and do juſtly incurre his Majef‐ties indignation be their hainous offences, be pleafeſt to remember the caſe of Lanerk ; the poſfeſſors of the titheſ be now excommunicated, and at the horn. Deſire his Majef‐ties favour for the grant of them to Mr William Birnie, Miſter there, whoſe diſpoſition your Lordliſhip knows to his Majef‐ties ſervice ; and his Hienes letter for that eſſet to my Lord Treafurer, that he may be poſfeſſed in the fame with all convenient diligence. Likewiſe remember the provision of Cramond, and the Biſhop of Dun‐keldens iñtereſt to theſe titheſ.

GLASGOW.

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Proceedings of the Conference, appointed be the laſt Assembly, holden  
at Falkland, the 4th of May, 1609.

The Earles of Dumbar and Wigtoun, my Lord Skoone, and my Lord Fentounbarns, Collector, Commissioners for his Majef‐tie ; Mrs George Gledſtains, John Spotswood, Alexander Lindsay, Alexander Forbeſſe, Patrick Sharp, Robert Howie, John Mitchelson, Henrie Philip, and George Hay for the Biſhops ; Mrs Patrick Galloway, John Hall, William Scott, Archbald Ofwald, John Knox, John Carmichaell, Adam Bannatyne, John Wemes, and William Cowper, (Patrick Simfon being abſent,) mett in that chamber, which was her Majef‐ties, for diſcharging a Commiſſion direc‐ted

from the last General Assemblie, holden at Linlithgow, the 29 day of Julie 1608 years. In the which meeting the said Commissioners proceeded as followeth :

Seffio 1<sup>a</sup>.

After prayer, and a short speech uttered be Mr James Law, Moderator, the Commission of the General Assembly was read; whereof the tenour followeth :

At Linlithgow, the 29 of Julie 1608, post meridiem.

As for the second cause of the eyelists which are said to arise upon diversities of opinions, because the said diversities of opinions result upon different judgments among the brethren, concerning the external government and discipline of the Kirk, which cannot so shortly be discusſed and advized upon as the brevity of this Assemblie permitts: Therefor, it was the opinion of the brethren appointed for the adviseing of the best overtures anent the distractions and eyelists that are entred in the hearts of the Ministrie, that the sachen should be delayed till a time more convenient; and, in the mean time, certain appointed to reaſon, treat, and advise upon the fame, which likewise the Assemblie has thought expedient; and, therefor, they have elected and chosen the brethren after following, viz. the Bifhops of Sanct Andrews, Glasgow, Dunkelden, Orkney, Cathneſ; Mrs Patrick Sharp, Robert Howie, John Mitchelson, Henrie Philip, George Hay, Patrick Galloway, John Hall, Patrick Simfon, William Scot, Archbald Ofwald, John Knox, John Carmichael, Adam Bannatine, John Weemes, and William Couper, their Commissioners in that part, to conveen with his Majestie, or ſuch of his Majesties Commissioners as his Hienes ſhall appoint, at ſuch time and places as they ſhall be required by his Majestie; and to treat, reaſon, and conſult upon all matters ſtanding preſently in controverſie among the brethren, anent the discipline of the Kirk; and whatſomever they agree upon, to report to the nixt General Assemblie; and, in the mean time, while the nixt Assemblie, the advice of the brethren conveeneed at Falkland, the 16 of June laſt bypaſt, be obſerved anent the conſtant Moderators.

There was read alſo his Majesties Miffive Letter, and a letter of excuse from Mr Patrick Simfon. And thereaſter a motion was made be his Ma-

jefties Commissioner, and propouned be the Moderator, that five of either side should be put apart, to fett down the order of proceeding.

After fome reaoning upon the faid propositon, and fome objections against the fame, it was admitted and followed : and for the Bishops were named, Sanct Andrews and Glasglow, Patrick Sharp, Robert Howie, and Henrie Philip ; for the Minifters, Patrick Galloway, John Hall, William Couper, John Carmichael, and William Scot.

The Earl of Dumbar, my Lord Fentounbarns, James Law, Moderator, and the ten which were nominated and chofen, removed and went into his Majefties Chamber, where the Commiffion was read again ; which being confidered, was thought very general be fome ; and for limitation thereof, the particulars after following were propouned be the Minifters :

First, That the brethren, among whom the alledged controversies were, should be particularly named, or at leift fome way designed, whereby the one party might be known be the other.

2ly, It was required, that the alledged controversies should be denominated and condescended upon, for clearing of the firſt point. These of the part of the Miniftrie declared, that they were one in judgment with the godlie Fathers, reformers of the Kirk of Scotland, and ſuch as had from time to time, in General Assemblies, appointed the discipline, and obtained ratification thereof ; as alſo that they eſteemed the discipline appointed be the Kirk, and ratified be the laws of the countrie, to be moft godly and meet for the ruleing of Christ his Kirk within this Realme.

These of the other opinion came to no particular nomination nor deligation, whereby their difference from ſuch as had eſtablished the discipline, might be perceived.

For better understanding of the ſecond, the Minifters desired, that diſtincſion be made betwixt matters ſtanding in controversy among the brethren, [and matters] extra controverſiam in the Kirk, in which caſe they take to be all things concluded in lawfull General Assemblies.

Item, That clear diſference might be made betwixt privat brethrens opinions and conceits, (put caſe their numbers be great,) and matters in controversy in the Kirk ; ſeeing nothing can probably be called a controversy of the Kirk, but that which has been received as a doubt before in ſome General Assemblies, and depends as yet undecided, for there is an order concerning caſes, where the brethren doubt and crave reformation, viz. that ſuch matters ſhould be propouned to the General Assemblie, ordine

decenter, animo aedificandi, non tentandi ; in respect of the which order, it is no wayes convenient, that the saids Ministers should participat in a Conference with their brethrens opinions, different from the judgment of the Kirk ; and syne report the same to a General Assambleie.

Lastly, Seeing the Assambleie at Linlithgow has directed Commision anent matters presently standing in controversy concerning discipline, which claws of necessity must be referred, either to matters that stand in controversy before that Assambleie, and in the time of it ; or els to matters called and received in controversy before the same : It was demanded by the said Ministers, what particular matters either stood in controversy, or were called or received into controversy.

The intention of this their dealing was to shew, that the Commision above written bore no warrant to the said Commissioners, either to make particular questions and controversies, which had not been heard in General Assambliest of before ; or yet to call in controversy the acts, conclusions, allowed practices, or establisched order of the Kirk. This purpose was taunted among the Ministers themselves ; and it was alledged, that this form of dealing would be accounted a shifing of disputation ; and so the blame would lye upon the Ministers.

It was answered, it was better to bear the unjust blame, than to break a whole cause, which, if it were broken, could not escape to be hurt, seeing the one partie were 16 or 17, and the other but 9. The other sort, for the party of the Bishops, termed that form of proceeding tergiversation, policy, quarelling of the General Assambleie, frustration of their good intention, &c. Much time and talk were spent hereabout, and thoring and boastling ; but no clear satisfaction returned to this demand, and propositions above specified. And so somewhat abruptly it was said, they mett either for someting, or nothing ; and confusedly was cast in, that some of the brethren had received the constant Moderators, and others not ; so that was a controversy of the Kirk, said they, whether the Moderator shoulde be constaunt, or circular as they termed it.

Item, Some of the brethren think that the cautions shoulde be keepeid, and others think that reasoun wold that some of them shoulde be abolished. It is a question then, forsooth, whether the cautions shall be keepeid, or not.

It was answered to the first, that the forefaid Assambleie at Linlithgow, wherefra this Commision was directed, had exprefly provided, that the advice, given in their Conference at Falkland, shoulde be obſerved till the

nixt General Assembly; and true it is, that in that Conference at Falkland, the meeting at Linlithgow, wherein the intended innovation of the Moderator was begun, was spyeid; and that matter to be further treated in the ensueing Assembly at Linlithgow; which Assembly, when it conveened, acquiesced in the advice given at Falkland; so that there is no warrant in this Commission to call the accustomed and established order of Moderation in doubt.

Unto the seconde it was answered, that the cautions, after long reasoning and advisement had in Presbyteries, Provincial and General Assemblies, they were solemnly concluded in two Assemblies, one at Dundie, another at Montrose, his Majestie being present at the one and the other, and as yet stand in full force unrepealed, and can no more be called in question be vertue of this present Commission, than the acts anent vote in Parliament, or any other acts of the General Assemblies.

It was thought meet be the most part, that both these matters of the Moderation and Cautions shoule be put in question; and so they, that went apart, reentered in the place of Conference; and all being present, the Moderator demanded, whither if the said matters shoule passe in question, or not. It was answered be the most part affirmativé, they shoule; and so the question was conceaved, as followeth.

1. Whither in Synods or Presbyteries the Moderation shall be constant, or not.

2. Whither the cautions sett down in the Assemblies holdin at Dundie and Montrose for restraining the power of Bishops, shoule be obserued and lward to, or not.

Thereafter, the Moderator desired, that one of either side shoule be named to reason these two questions; but being late, no nomination was made; but thanks given, and so that Session ended.

After the dissolving of that Session, the Ministers mett be themselves, and having conferred a little anent the disadvantage and danger, be suffering themselves to be separated in that former Session, all were desired to think that night upon the meetest remedy, and tymously meet in the morning, which they did.

In that their meeting they concluded, 1. That Mr Patrick Galloway shoule be speachman, and some others to assist him as need required. 2. That they shoule suffer themselves no ways to be divided; but whatsoever shoule be proponed, (although of less importance,) they shoule

take it to be advised be the whole, before that any answere shoulde be returned. 3. That in respect of the members of that Conference, and of the quality of matters called in doubt, that they would no ways dispute but be write.

Sexto 2<sup>a</sup>. Maij 5, hora 9, ante meridiem.

The aforefaid Commissioners conveened in the morning, in the place before named; and after prayer, the Moderator proponed, that one of either side shoulde be named and appointed to reasoun the first question. Mr Patrick Galloway being desired to speak, answered, that it was most convenient to reasoun the matter be writt, for the reasons following: 1. For eschewing of idle and hot speaches, superfluous digressions, and impertinent discourses, whereby brethren might be irritated, and time unprofitably spent. 2. For avoiding of different reports to be made be the brethren of different judgments, after the Conference ended. And, therefor, he required the other partie, that they would shortly and clearly set down their opinion in articles, touching that matter, and reasons whereby they would confirm the same; promising that the said opinion and reasons shoulde be plainly and brotherly answered, in such succinct forme as was possible they could conceive and express in write.

Many things were objected against that answere and offer; but all objections were answered. And so, the Ministers standing constantly to their resolution, the other party desired that they might advise among themselfes anent the premises; unto which desyre the Ministers agreed, and removed themselves; and the other partie with his Majesties Commisioners sat still.

After their reentry, the Moderator objected four reasons against writting. 1. The custome of the Kirk of Scotland. 2. The custome of Conferences in other countries, and some Colloquies were named. 3. His Majesties prohibition of writt. 4. Sundry inconveniencies that might follow thereupon, as namely, that the copies would pafs abroad, and would come in the hand of enemies, whereby it could not fail, but flander and skaith would come to the cause of religion.

To the first it was answered, that while the Kirk of Scotland had adoe with the Counsel thereof, anent the treating and concluding of the heads of discipline, they gave and received write one from another.

To the seconf, that the Colloquies named be them had very evill events; and others treated be write, specified be the Ministers, had better fucces, and made more for the advantage of religion.

As for the custom of countries generally alledged, writt was more usuall than word, as may be seen by [Ambassadoris deillings,] learned mens Epistles, printed Colloquies, and Traities of all ages.

To the third, It is evident in his Majesties letter, that his Hienes intention is to settle all matters peaceably, and beside the fame there is nothing produced : Therefor, writting, whereby jangling of words, hot speaches, and tedious digressions shall be avoided, is the most fitt and safe way to come to his Majesties purpoe.

To the fourth, In case of agreement, interchanged papers may be riven or burnt ; and the conclusions agreed upon only put in write to remaine. If they can no wise agree, whatsoeuer shall pass in write may be, with consent of all, destroyed.

And after these answers, the Ministers concluded, that reaoning by word, without a Judge, could not possibly be had without tumult in the time of treaty, and different and contradictory reports after breaking up of the meeting ; whereby the prefent distractions would be augmented, and the caufe of religion farther prejudged, Papists and all sorts of enemies, wishing, working and watching for division among Ministers, so far as they may.

The matter being thus stand to be the Ministers, some speaches of terrors was given out ; and thereafter the Moderator proponed, that a short history might be sett down, with all consents, of that meeting, and the proceedings therein, to some such effect as followeth : That the Commissioners mett, the Commission was read, two questions were agreed upon. They for the part of the Bishops offered to disput thereupon ; and the Ministers refused. The Ministers desired the last point to be mended after this manner ; that they for the Bishops offered to reaon be word, and refused writh ; and the Ministers were willing to reaon be writh : but when they shoule be before a General Assembly, Judge ordinar in such matters, they shoule be ready to reaon be word or writh, as it shoule please the Assembly to injoyne ; but here they could not reaon be word, becausse they wanted a Judge. This was refused, and so no history was agreed on : But the Moderator desired that his Majesties letter, and the Commission being laid aside, either of the parties would advise upon some overtures for the peace

of the Kirk ; and for reporting thereof, three after noon was appointed for all to meet again. Thus, after thanks giving, the Commiffioners rose.

Immediately after dinner, the Commiffioners conveened be themselves, and after consultation agreed upon four articles as follows :

1. That a declaration should pafs from this Conference to be published in the Kirk of Scotland, proporting, that the Kirks within this realm are well constituted in doctrine and discipline, praifed be God ; and that the discords and differences among the Ministers anent the one and the other, aggredged and given out be Papifts, Atheifts, and other enemies, are but flanderous calumnies tending to fedition, and to deceive the simple.

2. That the handling of the discords and differences among the Ministers be laid afide and fpained ; and the faid differences covered under the skirts of brotherly patience and chriftian wiſdom, while firſt Papifts and Papiftrie be proceeded againſt, and put to a point.

3. Seeing the matter of Bishoprick and Hierarchie cannot be handled at this time, but with advantage to Papiftry and Papifts, and difadvantage to the eftablifhed order of this Kirk, which has been a ſpecial mean, whereby they and their kingdom have been diſſipated and overcome ; that purpoſe would be ſuperceded, till the land were purged of them and their leaven.

4. That an humble ſupplication should pafs from this Conference to his Majeftie, for grace and favour to the Ministers that have been fo long banished, keepeп in prison, and confined ; namely, that they may be relax- ed, fett at liberty, and returned to their places.

Seffio 3<sup>a</sup>. Eodem die, hora tertia, poſt meridiem.

The whole Commiffioners mett in the place above ſpecified ; and, after prayer, the Moderator required the Minifters to preſent their advice, as was appointed before noon. And Mr Patrick Galloway preſented the articles above written, which were read ; and after the reading thereof, ſome freated, and preſſed to ſpeak ; but authoritatīv be the Moderator and ſome others, that vehemency was keepeп at under, and fiſcence was com- manded. Thereafter the advice of the other party was read, and all de- mandeп, what they thought of it. Little faid for it, and nothing againſt it. The Moderator defired the Minifters to take up their articles ; which being done, the conclusion after following was agreed upon.

At Falkland, the fift of May 1609.

The brethren conveened, having read the Commision givein to them be the General Assembly, and considering the generality therof, and how it is needfull, for ending of all controverlies standing in discipline among the Ministry, that the particular points in question be condefended upon, have, for the present, agreed upon two, viz. Whither in Synods or Prelbytries the Moderators should be constant, or not: And whither the Cautions fett down in the Asssemblies holden at Dundee and Montrofe for restraining the power of Bishops, should be holden, and fworne unto, or not. Which two queſtions being proponed, becaus neither the brevity of time permitts, nor is it, for divers caufes, thought expedient to enter in reaſoning thereof at this preſent, the brethren continue all treating of the fame till the firſt Tueſday of Auguft nixt to come, appointed for their meeting to that eſſeſt in Stirling: Willing and commanding every one of the ſaid brethren to aduife and conſider gravely on the ſaid queſtions, and all points thereof; and to be ready at their ſaid meeting to propone their mindes either be word or write, as they ſhall think fitteſt; and farther to fett down in write all the diſferences, which they conceive in the matter of discipline, that ſome ſolid courſe may be taken with common conſent, for removing the fame.

In the mean time, it is thought expedient, be the conſent of the whole number, that the General Assembly be prorogued till the firſt Tueſday of May nixt to come, to be holden at Sanct Andrews, if it thall please his Majeftie; that theſe affaires being brought to ſome point, report may be made, according as is ordained in the ſaid Commiſſion.

And becaus his Majefties moft zealous care for the good peace of the Kirk, and the ſuppreſſing of Papifts and all contrary religions, does ſo many wayes appear, that we have all exceeding great matter of thanks to be given to the Almighty God, for the bleſſing beſtowed upon this Kirk in his Majefties perfon: It is found meet, that a letter of humble thanks be written from this Conference to his Majeftie, and that, in all congregations of this kingdom, declaration be made be every Minister of his Hienes good affeſtion and reſolved mind to fettle the Kirk in peace and truthe, and to free the fame of all the enemies, and their pernicious praſtices; and that

publick thankes be given to God for his mercies, and prayers conceived for happy progres of his Majesties purpose.

As also, the brethren knowing the great dangers, that the Kirk standeth in, through the enemies of religion, have thought meet to recommend to all the Ministers and Presbytries in this realme a carefull proceeding against Papists, and such [as remaine suspect in religioune ; and that they be diligent to lairne] of the strangers that refort from forrain parts, and to make intelligence to his Majesties Commissioner, the Earle of Dumbar, or such other of his Hienes Counsel as they are best acquainted with, that they know zealous of Gods truth, and faithfull to his Majestie : And, above all things, that they and every one of them intertain peace, friendship and brotherly love with others ; laying aside all jealousies, suspitions and other prejudices ; and that they communicat their counsels and helps to the advancing of religion, and establisching a good and folid agreement in the Kirk ; which the brethren present for themselves have solemnly promised : and likeways to labour others to the same as far as they can, that God may have the glory, and his most excellent Majestie satiffaction and contentment in all things.

This conclusion and his Majesties letter being written and subfcribed, the Moderator gave thanks to God in the place where they mett.

Mr William Couper being reueeeted by his Majesties Commisioner and some of the brethren, went to the Kirk of Falkland, and all that were there with him. He made an exhortation and thanksgiving upon the laft three verfes of the 74 psalme ; and thereafter the 133 psalme was fung, and thus all were dismissed.

. . . . . . . . . . .

A Commission given under the great feal to the two Archbishops, to hold two courts of High Commission, was proclaimed at the Crofs of Edinburgh, in March, 1610 : The tenor whereof followeth.

James, be the grace of God, King of Great Brittane, France, and Ireland, Defender of the Faith, To our lovites, &c. Mellsangers and Shirefis in that part, conjunctly and severally, specialy conffituted, greeting. For as much as complaint being made to us in behalf of the Ministry of this our Kingdom, that the frequent advocations purchased be such as were either

erroneous in religion or scandalous in life, not only discouraged the Ministry from censuring of vice ; but emboldened the offenders to continue in their wickednes, using their advocations as a mean to delay and disappoyn both tryall and punishment : We, for eschewing of this inconvenient, and that the number of true professors may be known to increase, the Antichristian enemy and his grouth suppreffed, and all sorts of vice and scandalous life punished ; and that neither iniquitie, nor delay of tryall and punishment, be left be this subterfuge of discouraging of Ecclesiastical censures to proceed on things so meet and proper for them, have, out of our duty to God and love to his Kirk, being the nurfe father of the same on earth, within our dominions, given power and commision to the Reverend Father in God, and our trutfy and well beloved Counsellor, George Arch-bishop of Sanct Andrews, Primat and Metropolitan of our kingdom ; and to our right trutfy cusine and counsellor, Alexander Erle of Dumfermling, Lord High Chancellor of this our kinglom ; George Erle of Dumbar, Treasurer ; George Erle of Merfchall, John Erle of Marr, John Erle of Montrofe, Patrick Erle of Kinghorn ; to the Reverend Fathers in God, Alexander Bishop of Dunkelden, Peter Bifhop of Aberdeen, Alexander Bishop of Murrey, Andrew Bishop of Brechin, David Bishop of Roſs, George Bishop of Dumblain, Alexander Bishop of Cathnes, and James Bishop of Orkney ; to our trutfy Cusines and Counsellors . . . . Lord Lindsay, Simon Lord Frazer of Lovat, David Lord of Scoon ; and to our trutfy and well beloved Counellers, Mr John Preston of Penny-cook, Prefident of our College of Justice ; Sir David Cockburn of Clerkingtoun, Knight, Lord Privie Seal ; Sir Alexander Hay, Knight, our Secretar ; Sir James Hay of Kingask, Comptroller ; Sir Thomas Hamilton of Binnie, Knight, our Advocate ; and to our Lovites, Sir David Carnagie of Kinnaird, Knight, . . . Dundas of that ilk, Alexander Irving of Drum, . . . Ramsay of Balmany, Mr John Arthur, Mr Thomas Henderfon, Mr Adam King, and Mr James Bannatyn, Commissarys of Edinburgh ; Mr John Weymes, Commissiar of Sanct Andrews ; Mr James Martin, Reector of the University of Sanct Andrews ; Mr Robert Howie, Principal of the New College there ; Mr David Monipennie, Dean of Faculty ; Mr Patrick Galloway, Mr John Hall, Mr Peter Hewat, Mr John Mitchelson, Mr Robert Wilkie, Mr John Strauchan, Mr Andrew Leitch, Mr Hendry Philp, Mr Arthur Futhie, and Mr Patrick Lindsay, Minifters ; or to any five of them ; the faid Archbishop being always one, within the

whole bondes of the Province of Sanct Andrews : And to the Reverend Father in God, and our trusly and well beloved Counseller, John Arch-bishop of Glasgow, Alexander Erle of Dunfermling, George Erle of Dumbar, John Erle of Caffils, James Erle of Glencarne, John Erle of Wigton, James Erle of Abercorn : And to the Reverend Fathers in God, Gawin Bishop of Galloway, John Bishop of Argyle, Andrew Bishop of the Isles ; and to our trusly confine and counseller, Walter Lord Blantyre ; and to our lovits, Mr John Arthure, Mr Thomas Henryson, Mr Adam King, Mr James Bannatyne, Commissars of Edinburgh ; David Forsyth, Commissar of Glasgow ; Mr James Halyday, Commissar of Dumfries ; Mr John Hamilton, Commissar of Hamilton ; Mr James Hamiltoun, Commissar of Lanerk ; Sir George Elphinston of Eastwood, Knight ; Mr Patrick Sharp, Principal of the College of Glasgow ; Mr William Birnie, Minister of Lanerick ; Mr John Hay, Parson of Ranfrew ; Mr James Hamiltoun, Dean of Glasgow ; Mr David Sharp, and Patrick Walkinshaw, Subdean of Glasgow ; Mr Thomas Ramsay, Minister at Dumfries, Mr John Bell, Minister at Glasgow, and Mr Walter Steuart, Minister at . . ; or any five of them, the faid Archbisshop being always one of them, within the whole bounds of the Province of Glasgow : To call before them, at such times and places as they shall think meet, any person or persons dwelling and remaining within the Provinces respectivé above written of Sanct Andrewes, of Glasgow, or within any Dioceis of the same, being offenders either in life or religion, whom they hold any ways to be scandalous ; and that they take tryal of the same ; and if they find them guilty and impenitent, refusing to acknowledge their offence, they shall give command to the Preacher of the parish where they dwell, to proceed with sentence of excommunication against them ; which if it be protracted or delayed, and their command be that Minister be not prefently obeyed, they shall conveen any such Minister before them, and proceed in censuring of him for his disobedience, either by suspension, deprivation, or warding, according as in their discretion they shall hold his obstinacy and refusall of their direction to have deserved ; and farther, to fyne at their discretions, imprison or ward any such person, who being convicted before them, they shall find upon tryall to have deserved any such punishment ; and a warrand under the hand of any five above named, of every Province respectivé above written, the faid Archbisshop of the Province being one, shall serve for a sufficient command for the Captains and Constables of our wairds and

castles, and to all keepers of jayles or prisons, either to burgh or land, within any part of the Provinces respectiuē above written, for receiving and detaining such persons as shall be unto them directed to be keepeed by them, in such forme as be the said warrand shall be prescribed, as they will answer upon the contrair at their perrill: and of all such fynes as shall be imposed on any offender, the one half to pertain unto ourself, and the other half to be imployed upon such necessary things as our said Commissioners shall be forced unto, by charging of parties and witnesses to compear before them; and the superplus to be bestowed at the sight of the said Commissioners be distribution among the poor: Commanding the Lords of our Privie Counsel, upon sight of any certificat subscirbed be any fine of the said Commissioners within every Province, as said is, the said Archbishop of the Province being one, either of any fine imposed be them upon any partie compearing and found guilty, or of the contumacy and refusel of any to compear before them, that the said Lords of our Privie Counsele direct a summar charge of horning upon ten dayes only; and that no suspension or relaxation be granted, without firſt a teſtificat under the hand of the Archbiſhop of the Province, containing the obedience and ſatiſfaction of the party charged, be produced; and in case of farther diſobedience or rebellion of the party who ſhall be charged for his fyne or not compearance, the ſaids Lords of our Counſel are then to prosecute the moſt ſtrick order, as is uſual againſt rebells, for any other caufe whatſoever. With power to our ſaids Commissioners to proceed herein, as alſo to take tryall of all perſons that have made defection, or otherways are ſuſpected in religion; and as they find any juſt caufe againſt them, to proceed in manner foreſaid: and als whenſoever they ſhall learn or understand of any Miſter, Preacher, or Teacher of Schools, Colleges, or Universities, or of exhorting or leſturing Readers, within theſe bounds, whose ſpeeches in publick have been impertinent, and againſt the eſtablished order of the Kirk, or againſt any of the conculſions of the bypaſt General Affemblyes, or in favour of any of theſe who are banished, warded, or confined for their contemptuous offences; all ſuich being no matter of doctrine, and fo much idle tyme ſpent without iſtruction of their auditory in their ſalvation, ought fo much the more ſeverely to be puniſhed; in regard that they are Miſters, who of all others ſhould ſpend leaſt idle talk, and ſpecially in the chair of verity: and, thererof, after the calling of them before ſaid Commissioners, they are to be queſtioned and tryed upon the points of that

which is to be laid agaist them, and punished according to the quality of their offence: And whereas complaints shall be made unto them be any party that shall be couveened before any Ecclesiasticall Judicatory for any such crime as he shall be then suspected of, or that the partie doeth alledge always the matter itself to be improper to that Judicature, or the proceeding to have been informal, or that the Judicature it self has been too partial; and when the Commissioners shall see any just cause, they are then to take tryal and cognition thereof unto themselves, and to discharge the faid Judicature of all farther proceeding: Giving power also to our said Commissioners to make choise of a Clerk, and other members of Court; and to direct out precepts in name of the faid Archbisshop, and his associats within every Province, for citation of any parties before them, within the bounds of the said Provinces, in any of the said causes above mentioned; which precepts are to be fealed with a special seal, containing the armes of the said Bishoprick: giving also power to charge witnesſes to compair before them, under the pain of forty pounds feots money; and upon the certificat of the said Commissioners, that any of the said penalties are incurred be them, the said Lords of our Counfel are to direct the like charges for payment of the same, as is appointed for payment of the fynges in the said Commission past our Great Seal, containing diverse other heads, clauſes, articles, and conditions, and bearing date at our Court at Royftoun, the 20 of Januar laſt, at length is contained: wherof neceſſar it is that publication be made to all our lieges, that none pretend ignorance thereof. Our will is herefor, and we charge you ſtraiſtly, and command, that incontinent theſe our letters feen, ye paſſ to the faid burghs within the Provinces above written, and there be open proclamation, that ye make publication of the premisses, that none pretend ignorance: And als, that ye, in our name and authority, command and charge all our lieges and ſubiects to reverence and obey our faids Commissioners in all and every thing tending to the execution of this our Commission; and to doe nothing to their hinder or prejudice, as they and ilk one of them will anſwer to us and our Counfell, upon their obedience, at their higheſt paine, charge, and perrill. The which to do, &c.

Given under our Signet at Edinburgh, the 15 day of Februar, and  
of our reigne the 47 year, 1610.

Per Actum Secreti Confilij.

## THE KINGS MISSIVE.

Trusfie and well beloved, we greet you well. Albeit we justly fearing the disorders that might arise in the General Assembly appointed to be holden at Sanct Andrewes, the day of May next, be reasoun of the differences now in the Church for matters of discipline, did be our Letters, published in Februar last, desert the said meeting; and specialy declared, that it was not our mind to appoint any new Assembly, before we were well assuied of the peacable inclination of these of the Ministry, who shoulde meet and conveen therat: Yet having been lately advertisid of great confusion ariseing in the Church, by reasoun of the loose and unfettled government which is therein, and being intreated be fundry of our good subiects, Bishops, Ministers and others, for licence to some general meeting of the Church, wherein hope is givin us, that some good course by common consent shall be taken for redrefs of all unorders, and the division of minds, that has so long continued among the Ministry, to the great scandal of their profession, shoulde cease and be extinguished, we have been pleasd to yield to their requiests, and granted liberty for a General Assembly to be holden at Glasgow, the 8th day of June next: And, therefor, we will and require you to make choise of the most wise, discreet, and peaceably disposid Ministers among you, to meet and conveen the said day and place, instructid with sufficient commission from the rest, as in other Assemblies you have been accustomed; and to advise anent the excommunicated Erles, what order shall be taken with them for their satisfaction of the Church; anent the late erectiōns, to communicat to our Commissioners the estate of every church within any of the same, the maintainance allowed thereto; an overture for supplying the churches, which are not sufficiently provyded; and what is the best courfe to be taken for the ready payment of the Ministers, so as they be not distractid from their charge, and forced to attend the Law for discussiōn of suspensions, and such like questions ariseing thereupon: in which point we have had many grievous complaints from diverse of the Ministers there, and understood our good purpose touching them and their maintainance to have been wonderfully crossed; and that they be ready to give their best opinion in all the former points, and in every thing else that shall be demanded of them for the good peace of the Church. And becaus by our Letters we have particularly acquainted the Archbithop

of Sanct Andrews of our purpose herein, and sent unto him a special note of the names of such as we desire to be at our said meeting ; it is our pleasure, that you conform yourselves thereto, and make choise of the persons that we take to be fitteſt for giving advice in all matters : wherein ye ſhall doe us acceptable ſervice. We bid you farewell.

From our Court at Whitehall, the firſt of Aprile, 1610.

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The Bishop of Sanct Andrews Letter to the Presbytrie of Chirneſide.

Grace be multiplied unto you.

Beloved Brethren, after my heartie commendations in the Lord, I have received a Letter from the Kings Majestie auent the direcſion of Commiſſioners to the approaching General Aſſembly. And to the effect ye may understand my Commiſſion to you for that effect, and the Kings Majesties pleasure, I thought good, as having credit of his Majestie in theſe matters, to ſhew to your Moderator the authentick Letter that has proceeded from his Majesties hand, and to ſend to you the note of the perſons, whom his Majestie has thought fitteſt for that work. This I beſeech you, ſince our Presbytries in Fife, and, as I hear, the Presbytrie of Edinburgh hath agreed to the Kings deſire, that ye will not fail to ſend a free, voluntary Commiſſion with theſe brethren, who have alſo received their feveral Millives from the Kings Majestie, that ye ſeem not to be ſingular, and refractorie to reaſonable petitions. I hope, that this my counſel ſhall be well accepted of you : and ſince fuddane and willfull conculſions haue wrought ſuch bitter effects, I hope, ye will not provock the Kings Majestie to wrath, without any neceſſary occaſion. Thus I beſeech God to bleſs you all with the ſpirit of truth and love to the end.

Edinburgh, the 28 of May, 1610.

Your loving and affiſed Brother,

SANCT ANDREWS.

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A.D. M.DC.X.

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The Generall Affemblie of the Kirk of Scotland halden at Glasgow,  
the 8 of Junij 1610 years, quher was present,

[THE KINGS COMMISSIONERS.

The Earle of Dumbar.	My Lord Prefident.
The Archbishop of Sanct Andrews.	My Lord Secretarie.

OF THE NOBILITY.

Earles Montrofe.	Lords Lindsey.
Glencarne.	Scoone.
Cathnes.	Blantyre.
Wigtoun.	Kintail.
Kinghorne.	Mr of Tillibartine.
Abercorne.	Comptroller.
Lothian.	Kilfyth.

OF THE MINISTERY.

ORKNAY.

Bishop of Orknay.	William Hair.
Robert Stewart.	Mr Andrew Dishingtoun.
Mr Patrick Waterstoun.	

## CATHNESS.

Bishop of Cathnes.	James Gray.
Mr William Pope.	Mr Andrew Ogibwie.
Thomas Paipe.	

## ROSS.

Mr George Monro.	Mr Robert Rock.
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## MURRAY.

Bishop of Murray.	Mr William Clogie.
Mr James Dundas.	Mr Alexander Raufon.
Mr Thomas Dundas.	Mr William Reid.
Mr Patrick Dundas.	

## ABERDEEN.

Bishop of Aberdeen.	Mr Abraham Sibbald.
Mr David Rait.	Mr George Hay.
Mr Archibald Bleckburne.	Mr James Hay.
Mr Robert Burnet.	Mr Robert Maitland.
Mr John Logie.	Mr John Strauchan.
Mr John Reid.	Mr Robert Roſs.
Mr John Garein.	Mr Robert Reid.
Mr Robert Merſer.	Mr Alexander Guthrie.

## MERNES.

Mr Andrew Ramsay.	Mr Adam Walker.
Mr James Rait.	

## BRECHEN.

Bishop of Brechen.	Mr Richard Mercheſtoun.
Mr Dugul Campbel.	Mr James Elliot.
Mr Andrew Leitch.	

## ARBROTH.

Mr Arthure Futhie.  
 Mr Patrick Lindsey.  
 Mr Andrew Drummond.

Mr Henrie Phillip.  
 Mr John Guthrie.

## DUNDIE.

Mr David Kineir.

Mr Robert Rynd.

## MEEGLE.

Mr Henrie Guthrie.  
 Mr Alexander Kinninmouth.

Mr David Brown.

## PERTH.

Mr William Couper.

Mr Archibald Moncreife.

## DUNKELDEN.

Bishop of Dunkelden.  
 Mr Silvester Ratray.

Mr James Menzies.  
 Mr Alexander Ireland.

## AUCHTERARDER.

Mr James Burdoun.

## STIRLINE.

Bishop of Dumblane.  
 Mr William Stirline.

Mr William Narne.

## SANCT ANDREWS.

Archbishop of Sanct Andrews.  
 Mr David Monipennie.

Mr William Murray.  
 Mr Simeon Durie.

## UNIVERSITIE.

Mr Robert Howie.

## COUPER.

Mr James Martine.  
Mr Robert Buchanan.

Mr John Caldcleugh.  
Mr Thomas Douglas.

## KIRKALDIE.

Mr John Mitchelson.  
Mr William Murray.

Mr Alan Lawmonth.

## DUMFERMLINE.

Mr James Stewart.  
Mr Andrew Forrester.

Mr William Paton.

## EDINBURGH.

Mr John Hall.  
Mr Peter Hewat.

Mr Michael Cramstoun.

## LINLITHGOW.

Mr Robert Cornwal.  
Mr Alexander Keith.

Mr Robert Gilmour.  
Mr Thomas Peebles.

## DALKEITH.

Mr Patrick Tournour.

## HADINGTOUN.

Mr James Carmichael.

## DUMBARTON.

Mr Edward Hepburne.  
Mr John Lauder.

Mr Thomas Hepburne.

## PEEBLES.

Mr James Logan.

Mr Robert Levingstoun.

## CHIRNSIDE.

Mr John Clappertoun.

## DUNSE.

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## KELSO.

Mr James Knox.

Mr John Balfour.

Mr Thomas Storie.

## GLASGOW.

Archbishop of Glasgow.

Mr John Bell of Glasgow.

Mr Patrick Sharpe.

Mr Andrew Boyd.

## PAISLEY.

Mr John Hay.

Mr William Birftoam.

Mr Archibald Hamiltoun.

Mr George Maxwel.

## DUMBARTON.

Mr Walter Stewart.

## HAMILTOUN.

Mr Thomas Muirhead.

Mr David Sharp.

Mr James Hamiltoun.

Mr John Howifon.

## LANERK.

Mr William Birnie.  
Mr John Lindsey.

Mr Robert Wilkie.

## AIR.

Mr Peter Prymrofe.  
Mr John Makcorne.

Mr William Wallace.

## IRWING.

Mr Alexander Scringeour.

Mr Michael Wallace.

## DUMFREIS.

Mr Thomas Ramsay.  
Mr Robert Hunter.

Mr Robert Henrison.  
Mr Simeon Johnstoun.

## KIRKCUDBRIGHT.

Bishop of Galloway.  
Mr John Aikman.  
Mr William Hamiltoun.

Mr Robert Glendinning.  
Mr James Donaldson.

## WIGTOOUN.

Mr James Adamson.  
Mr John Watson.

Mr George Kinnard.

## ARGILE.

Bishop of Argyle.  
Mr John Cameron.  
Mr Donald Makilorie.

Mr Neil Campbell.  
Mr John Makcallum.  
Mr Nicol Makcalman.

## ISLES.

Bishop of the Isles.	Mr Robert Stewart.
Mr Patrick Stewart.	

## OF BARONES.

Drumlanrig.	Minto.
Glenurquhie younger.	Balmaine.
Wauchtoun.	Gairntullie.
Bombie.	Duntreith.
Northberwick.	Mr Samuel Cockburne.
Calderwood.	Sir George Elpingstoun of Blytfwoode.
Balnamoone.	

## OF BURROWES.

EDINBURGH.	PERTH.
Edward Ker.	Mungo Makeal.
	Gawin Dalyel.

## DUNDIE.

Mr William Fergufon.	ALEXANDER RUTHERFURDE.
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## SANCT ANDREWS.

John Knox.	James Forfeit.
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Sessio 1<sup>a</sup>. 8 Junij.

Exhortation being made by James Bishop of Orknay, Moderator of the last Assembly, the Commissioners, after their accustomed manner, proceeded to the election of the Moderator of this present Assembly. The leits being nominat, John Archbishop of Glasgow, Mr Patrick Sharpe, Mr Patrick

Lindsey, and Mr John Mitchelfon ; by plurality of votes John Archbisshop of Glasgow was chosen Moderator hac vice.

Thereafter, according to the accustomed order, Affeffors were chosen to conveen with the Moderator in the Privie Conference, for treating of fuch things as are to be concluded in the Assembly : They are to say, the Kings Majesties Commissioners, with the Bishop of Orknay, the Bifhop of Cath-nes, Mr William Paip, Mr George Monro, the Bishop of Murray, Mr James Dundas, Mr Alexander Rauson, the Bishop of Aberdeen, Mr John Strauchan, Mr George Hay, the Bishop of Brechen, Mr Patrick Lindsey, Mr Andrew Leitch, Mr Arthure Futhie, Mr James Martine, Mr David Monipennie, Mr Robert Howie, Mr John Mitchelfon, Mr William Murray Parson of Dysert, the Bishop of Dunkelden, Mr Archibald Moncreife, Mr William Couper, Mr Alexander Ireland, the Bishop of Dumblane, Mr Peter Hewat, Mr John Hall, Mr Michael Cranftoun, Mr Edward Hepburne, Mr Robert Cornwall, Mr James Carmichael, Mr John Clapertonoun, Mr James Knox, Mr Thomas Storie, Mr William Birnie, Mr Thomas Muirheed, Mr Patrick Sharpe, Mr Andrew Boyd, Mr John Hay, Mr Alexander Scringeour, Mr Michael Wallace, the Bishop of Galloway, Mr James Adamfon, Mr Thomas Ramfey, the Bishop of Argile, the Bishop of the Isles, and Mr Neil Campbell.

The hours appointed for meeting of the Privie Conference, are seven hours in the morning, and two hours afternooon ; and for the Assembly, nine hours in the morning, and three hours afternooon.

Commissioners appointed for reading and answering of the bills, are Mr Henrie Phillip, Mr John Reid, Mr Robert Buchanan, Mr Thomas Hepburne, Mr Walter Stewart, Mr Robert Henrifone, Mr Silvester Ratray.

Seflio 2<sup>a</sup>. Eodem die.

The which day the Earle of Dumbar, one of his Majesties Commissioners, after he had made open declaration of his Majesties good minde and zealous intention towards the establisching of a good, folid and perfect order in the discipline of the Kirk in this realme ; in the which there were fundrie points, which his Majestie would have reformed ; the reformation whereof doth most properly appertain to his Higlnes, in respect of his royal au-

thoritie and duty, wherein his Majestie is bound to God Almighty to provide, that the estate of the Kirk within his dominions shoule be setteld as well in Descipline, as in Doctrine, according to the Word of God ; to the effect that, the same being once solidly setteld, the true Word of God may be purely and sincerely preached to his Highnes subiects ; and the discipline of the Kirk, once wisely and discreetly setteld, may be inviolably obserued in all tymes coming. Thereafter he produced his Majestys Letter directed to this present Asssembly, whereof the tenor followeth.

Right Reverend Fathers in God, Right trufte and welbeloved Cousins, Counsellours, and others our trufte and loving subiects, as well Ministers as Laity, preſently met and conveened in this Asssembly, We greet you well. If the moſt ſharp censure were taken of every one his particular affection to the religion profeſſed, we might very juſtly boaſt, without oſtentation, of our ever continued conſtancie, praife be God, notwithstanding of both the allurements, as alſo the threatnings of the adverſarie, and of the miſbehaviour, yea the pride, and often treafonable contempts of ſome of our subiects of the fame profeſſion ; ſo that none, unto whom either our by paſt life hath been known, or to whom our preſent actions are noſtour, but they without doubt will reſt fully perſuaded hereof ; ſince we haue now openly declared ouरſelves to be the Principal Oppoſits on earth to the Antichriſtian enemie, againſt whom to our laſt breath, without reſpect of hazard, we do intend to maintain and defend the truth profeſſed. And as it hath pleaſed God in his mercie to appoint us to be the Nouriſh Father of his Churche here on earth, within our dominions, ſo do we in-tend ever to be moſt careful for ſetting forward all ſuch things, which may advance his glory, and breed quietneſſ and peace in the Churche ; unto which nothing hath been ſo great an enemie as the want of order and government, without which no bodie or eſtate, either eccleſiaſtical or ci-vil, can ſuſtaint. And howſoever the ſingularitie of ſome did, for a certain ſpace, maіntain, either by wilfulneſſ or ignorance, a ſort of headleſs government ; yet ere long it diſtroyed what inconveniencie and harm miſt enſue to the Churche, and advancement of the Gopel, by any longer continuance there-of : which moved us, during our ſtay there in our own perfon, to take ſo great pains for finding remedie to this, which otherways had kithed ſo incurable a canker, being permitted to have had any farther progreſſe : And, therefore, at that time willing to do things rather by conſent, than

absolutely out of our royal power and authoritie, (which also is very lawfull, and granted to us by God himself,) we thereupon not only affisted and countenanced sundrie Assemblies of that Church by our own presence; but have caused others be conveened since our departure from thence, having to our great cost and charges procured also maintenance, sufficient in some reasonable sort, for the Fathers of the Church; and have directed order to be taken for the plantation of Churches void: as likewise, in so far as the ecclesiastick jurisdiction by secular persons was incroched upon, we have put also remedie thereto: So as we did fully hope, that before this time, the Church thereupon, apprehending and perceiving errors past, in suffering that anarchie amongst them to keep so long continuance, shoulde have resolved and concluded, and therewith have become suuters and solicitors unto us, for establishing of that government and rule, which is most fit and allowed of, in former times in the Primitive Church: so that things should not be left still in uncertainty, by reason of the division and distraction of minds among yourselves, by which, to your own knowledge, both the common enemie hath increased, and sinne and wickednes remain unpunished. But whether the default be in the Fathers of the Church, their unwillingnes, or unworthines, to do and perform what in dutie belongeth unto them; or in the factious singularitie of others of the meaner rank, (who do perhaps presume of their greater credit by keeping things in confusione:) and we not being fully acquainted with the true cause, and yet in our dutie to our God, as being his Lieutenant here, holding ourselues justly bound not to suffer this sort of lingering, in a matter of such moment, have therupon thought expedient to call this present Assembly, not so much for necessarie as that any thing is to be moved, whereunto your consent is much requirit; but that our true affection to Gods glory, and advancement thereof, and to the peace and well of the Church, being declared and manifested, you may try the more inexcusable, for not urging that good to the Church, which we do intend for it without your consents, if we finde a slow concurrence upon your part; and yet hoping, that your forwardnes will remove all opinion, which may be conceived either of unwillingnes, or oppositions to our so godly intentions: and having referred the particular imparting of our farther pleasure and minde herein, to our right trustie and right welbeloved Cousine and Counsellour, the Earle of Dumbar, and the right reverend Father our right truslie Counsellour, the Archbisshop of Sanct Andrews, (both of whom we have directed as our Commissioners to this

present Assembly, and whom we will you credit and trust,) and intending upon their reports to take special notice of every ones affection, and forwardnes in this service, and thereupon to acknowledge and remember them hereafter, as any fit occasion for their good shall occure : We commit you and your actions, with the good successe of the busines, to Gods good guiding ; and bid all of you right heartily farewell.

From our Court at Thetfurde, the eight of May, 1610.

After the reading of which his Majesties letter, the Assembly thought it most expedient, that the brethren, appointed to be on the Privie Conference, shoule conveen the next day in the morning, and privatly among themselves after reasoning advise upon such heads of the Discipline of the Kirk, as they should think to have need to be reformed, for giving his Majestie satisfaction in that point.

Sessio 3<sup>a</sup>. 9 Junij, post meridiem.

The which day, the whole Assembly being conveened, the brethren appointed for the Privie Conference, by the mouth of the Moderator, declared that after long deliberation they had agreed upon certain heads concerning the special points of Discipline, within the Church of this realme, for satisfaction of his Majesties will, contained in his Highnes letter, which was thought expedient to be read openly to the whole Assembly, whereof the tenor followeth. C.]

Followes the Heids and Articles concerning the Discipline of the Kirk, to be observit in all tyme comeing.

In the first, It is declarit that the alledgit Assemblie haldin at Aberdein, is null in the selfe, speciallie in respect it had not his Majesties allowance, and was dilchargit be his Commissioner.

And because the necessitie of the Kirk craves, that for ordour taking with the commoun enemy, and vther affaires of the Kirk, ther falbe geirlie Generall Assemblies, the indictioun quherof the Assembly acknowledges to appertaine to his Majestie be the prerogative of his royll crowne ; and, therefore, the Generall Assemblie most humblie requestis his Majestie, that

General Asssemblies be haldin once in the geir ; or at leist, in respect of the necessities foreaid, that his Majestie wald appoint a certaine tyme, at the quhilk the famein falbe haldin in all tyme comeing.

Item, It is thought expedient, that the Bischops falbe Moderatours in every Dioceſian Synod, and the Synods falbe haldin twyſe in the geir of the Kirks of every Dyocie, viz. in Apryle and October. And quher the Dyocies are large, that ther be two or thrie Synods in convenient places, for the eafe of the Ministrie.

Item, That no ſentence of excommunicatioun, or abſolution therfra, be pronoucitet againſt or in favours of any perſon, without the knowledge and approbation of the Biſhop of the Dyocie, quho muſt be anſuerable to his Majeftie for all formall and vnpartial proceidings therin ; and the proces being found formall, the ſentence to be pronoucitet at the direc̄tioun of the Biſhop, be the Miſter of the paroch quher the offender dwells, and their proces began.

And in eace the Biſhop falbe found to have ſlayit the pronoucing of the ſentence againſt any perſon that hes merit the fame, and againſt quhom the proces hes bein laufullie deduceit, the famein being tryit, and he conviēt in the Generall Assamblee therfor, that advertisement falbe made to his Majeftie, to the effect ane vther may be placit in his rowme.

Item, That all preſentatiouns be direc̄t heiraſter to the Biſhop ; and vpon any preſentatioun givin, or vtherwayes fute made be any to be admittit to the Miſtrie, the Biſhop is to requyre the Miſters of theſe bounds quher he is to ſerve, to certifie by their teſtificat vnto him of the partie ſuter his conveſtatioun paſt, and abilitie, and qualificatioun for the functioun : and vpon the returne of their teſtificat, the Biſhop is to take farther tryall ; and finding him qualified, and being afflifted be ſuch of the Miſtrie of the bounds quher he is to ſerve, as he will affume to himſelfe, he is then to perfyte the haill act of ordinatioun.

Item, In depoſitioun of Miſters, the Biſhop affociating to himſelfe the Miſtrie of theſe bounds quher the delinquent ſerved, he is then to take tryall of his fault, and, vpon just caufe found, to depryve him.

Item, That everie Miſter, in his admittioun, ſall ſweare obedience to his Majeftie, and his Ordinar, according to the forme ſett downe in the Conference keipit in the geir of God 1571 geirs, quheroſ the tenour followis.

The Forme of the Oath to be given be the Perfon provydit to any benefice with cure, the tyme of his Admisioun be the Ordinar.

I, A. B. now nominat and admittit to the C. of D. vtterlie testifies and declares on my conscience, that the right excellent, right high, and mightie Prince, James the sixt, be the grace of God, King of Scotts, is the only lawfull supreame governour of this realme, aswell in things temporall as in conservatioun and purgatioun of the Religioun ; and that no forraine Prince, Prelate, State, nor Potentat hes or aught to have any jurisdic<sup>i</sup>tioun, power, superioritie, preheminen<sup>e</sup>ce or authoritie, ecclesiasticall and spirituall, within this realne : And, therfor, I vtterly renunce all forraine jurisdic<sup>i</sup>tiouns, powers, superiorities, and authorities ; and from this furth promises, I shall and will beare faith and true alledgeance to his Hienes, his aires, and laufull succeffours ; and to my power fall assit and defend all jurisdic<sup>i</sup>tiouns, priveledges, preheminencies, and authorities granted and belongand to his Hienes, his aires, and laufull succeffours, or vnted and annexit to his Royall Crown : And farther, I acknowledge and confesse to have and hold the faids possessiouns of the famein, vnder God, only of his Majestie and Crowne Royall of this realme : and for the faids possessiouns I doe homage presentlie to his Hienes in your prefence ; and to his Majestie, his aires, and laufull succeffours, falbe faithfull and trew. Swa help me God.

Item, The visitatioun of ilk dyocie is to be done be the Bisshop himselfe : and if the bounds falbe greater then he can overtake, he is then to make speciall choise, and to appoint some worthie man to be visitour in his place : And quatever Minister, without just caufe and laufull excuse made, fall absent himselfe from the visitation of the Diocef<sup>a</sup>n Assembly, he falbe suspendit from his office and benefice, and, if he amend not, he falbe deprivit.

Item, Exercize of doctrine is to be continuoit weeklie among the Ministers at the times of thair accustomit meetings, and to be moderatit be the Bisshop if he be present ; or then be any vther quhom he fall appoint at the tyme of the Synod.

Item, The Bishops falbe fubiect, in all things concerning thair lyfe, conversatioun, office, and benefice, to the censures of the Generall Assembly ; and being found culpable, with his Majesties advyce and consent, to be deprivit.

Item, That no Bischop be electit but quho hes past the age of fourtie  
ȝeirs compleit, and quho at the leist hes bein ane actuall teaching Minister  
for the space of ten ȝeirs.

Quhilks haill Articles being diverse tymes red publicklie in the face of  
the haill Assembly conveinit, after votting, the samein was ratified, ap-  
provyn, and concludit be the haill Assembly, and ordainit to be observit in  
all time comeing.

[Sesso 4<sup>a</sup>. 11 Junij, ante meridiem.]

The faid day, the Earle of Dumbar, one of his Majesties Commissioners,  
being presently of intention, to have caused instantly discharge all Presby-  
teriall meetings by open Proclamation at Mercat Crosse of Glasgow ; and  
that because he had received a special warrant and command from his Ma-  
jesticie to that effect, which he on no wayes would nor durst disobeiy ; the  
whole Assembly most earnestly interceed with his Lordship, that it might  
please his Lordship to continue the making of the faid Proclamation, and  
discharge of the Presbyteries contained in the faid Letter, for a certain  
space ; that, in the meane time, his Majesticie might be certiorat of the pro-  
ceedings of this prefent Assembly, which they doubted not would give his  
Majesticie full satiffacþion in that part ; unto the which request, thole of the  
Nobilitie, being presently conveened by his Majesties direction in the faid  
Assembly, did concurre, and interpon their request to that same effect :  
whereunto the faid Earle of Dumbar having acquiesced upon speciaall offer  
made by the Noblemen conveened, that they would interceed at his Ma-  
jesticies hands, that he shold be blameles for the faid delay ; for the which  
the Assembly did give his Lordship most heartie thanks : And, therefore,  
ordained a Letter to be directed, in name of the whole Assembly, contain-  
ing a most humble Supplication, that it might please his Majesticie of his  
gracious favour to accept of the proceedings of this prefent Assembly, in  
the matter of the Discipline of the Kirk, whereunto they had confesced  
for satiffacþion of his Majesties good will, contained in his Highnes Letter ;  
and in respect thereof, that it might stand with his Majesties good pleasure  
and will to superseed all further discharge of the said Presbyteries.

Anent the Supplication given in name of George Marques of Huntlie,  
&c., bearing in effect, that after long conference and reasoning had in the

controverted heeds of Religion, betwixt his Lordship and certain of the Ministry deputed to that effect, he was fully resolved in all doubts and difficulties that might arise therein, or trouble him in any sort; in token whereof, he hath subscribed the Heeds and Articles of the Religion presently professed within this realme; which were presented with the said Supplication: And, therefore, desiring that a commission may be directed from this present Assembly, giving power to such Commissioners as they should appoint, to absolve him from the sentence of Excommunication, in respect of his satisfaction foreaid; as at more length is contained in the said Supplication. Therefore, the Earle of Dumbar, his Majesties Commissioner, having declared, in his Majesties name, his Highnes minde anent the absolution of the Marques of Huntlie from the sentence of Excommunication; and in special, that it shoulde be tried if his Lordship was fully, in heart and conscience, resolved and satisfied in the heeds of Religion, as he had subscribed the same with his hand, to the intent that thereafter he might be absolved from the said sentence of Excommunication.

The General Assembly, being ripely advised with the said Supplication, and his Majesties minde declared by his Highnes Commissioner thereanent, Giveth, granteth, and committeth their full Commission to the persons after specified, the Archbishops of Sanct Andrews and Glasgow, the Bishops of Orknay, Galloway, Brechen, Mr John Hall, Mr Patrick Simpfone, Mr William Couper, Mr Patrick Sharpe, and Mr Andrew Leitch; with power to them to passe with his Majesties Commissioners, and the Earles of Montrose, Glencarne, Cathnes, Linlithgow, Kinghorne, Wigtoun, and Lothian, to the Castle of Stirline, where the said Marques is presently confined, and there to try the said Marques his intention and resolution, in the Heeds and Articles of the Religion; and if he be fully satisfied thereanent in his heart and conscience, as he hath outwardly professed the same, subscribed with his hand; and in case they find him fully resolved, and of inward intention to give full satisfaction in all the points and heeds of Religion controverted; and to avow, and constantly to confess and profess the true Religion, that is presently professed publickly within this realme: In that case, they give full power and commission to the said brethren, with Mr John Hay, Mr John Mitchel, Mr Robert Cornwall, and Mr Patrick Lindsey, or any nine of them, (the Archbishops of Sanct Andrews and Glasgow being alwayes two,) to absolve him from the proesse and sentence of Excommunication.

Item, It was humbly regrated in the Assembly, that notwithstanding of many lovable acts and constitutions, as well Ecclesiastical as Civil, alreadie made and enacted for repressing the disorder and insolence of professed and excommunicat Papists ; yet nevertheless they doe still remain in their former obſtinacie and disobedience ; proceeding doubleſe upon the impunitie which they do enjoy, and overlight whereby they are fuffered to have free paſſage and acceſſe in all parts of the countrey, as if they were not excommunicat : For remedie whereof, it is ordained, that every one of the Commissioners present give in roll to the Clerk of the Assembly all the perſons that are excommunicat within their bounds ; that the fame being preſented by him to my Lord Commissioner, his Lordſhip may caufe the Secret Council take order with them, according to the lawes of the countrey.

And because it is not unknown to the Kings Majestie, what treasonable practices and attempts are, from time to time, deviled againſt his Majestie and his Royal Estate by the Papists, and professed enemies to the truth : Therefore, the Assembly hath thought good, that a Supplication ſhould be directed to his Majestie, in name of the whole Assembly, to put his Majestie in remembrance of his own eſtate and danger, whereunto his Majestie is ſubjeſt through the cruel and craftie treason daily forged and contrived againſt his ſtate and perfon, by the Papists, Jesuits, and Seminarie Priests, enemies to God and the true Religion, and to his Majestie, becauſe his Highneſſ is a ſpecial maintainer of the fame againſt their falfe and erroneous doctrines ; that, therefore, it would pleafe his Majestie to have ſuch regard to his own eſtate, and preservation of his moft ſacred perfon from their bloudie devices, that by debarring of them and their favourers from his Majefties preſence, his Majestie, by the grace and protection of God Almighty, may be preſerved in ſafety, to the advancement of the glory of God, eſtabliſhing of the true peace of the Kirk within his Majefties do-minions, and comfort and tranquillitie of his Highneſſ ſubjeſts, whofe wealth and proſperitie in this earth, under God, they acknowledge to con-fift in his Majefties preſervation.

Sexto 5<sup>a</sup>. 11 Junij, poſt meridiem. C.]

Forſameikle as in this preſent Asſemblie it is alreadie flatute, that the

Exercises falbe moderatit be the Bishops in the meitings of the Ministrie, if they be present, or then be any vther quhom they fall appoint at the tyme of the Synod: and because the nixt Synod is not to be haldin befor the moneth of October nixt to come; therefor, it is ordainit, that in abfence of the Bisshop, the constant Moderatours fall remaine in thair awin places quhill the nixt Synod be halden in October.

Item, Because it is vncivill that laws and constitutiouns, either Civill or Ecclesiasticall, being anes establischt and in force, by publick and opin consent, shoulde controllit and callit in questionn by any person: therfor, it is statute by vuniforme consent of this haill Assemblie, that none of the Ministrie either in pulpitt in his preaching, or in the publick exercise, speake and reasoun against the acts of this present Assemblie, nor disobeiy the same, vnder the paine of deprivatioun, being tryit and convict therof; and speciaillie, that the questioun of equaltie and inequaltie in the Kirk, be not treattit in pulpitt vnder the said paine; and that every ane of the Commissioners present intimat this aet in the first meeting of thair exercisies.

[Item, It is statute and ordained by the whole Assemblie, that the celebration and solemnization of the holy band of matrimonie, be refused to no Christians within this realme, neither upon Sunday, nor upon any other day, when the famine shall be required: and ordaineth that the same be performed with all christian modeſtie, and without all disorder.

Item, Because through fundrie parts within this realme, as well in the highlands and borders, as in the mid countrey and best inhabited and peopled land, there be many Kirks lying desilitute of a Pastor and preaching of the Word, to the great discomfort of the people, whose foules are thereby frustrated of the ordinarie food of the Word of God, which proceeds for the most part of the laick patronages, and erection of ſpiritual benefices in temporal livings; which erections are either not accepted by the purchafers thereof, but left in ſuspense at the feales, without any provifion made to the Minifters of the Kirks of the benefice: or if they be accepted, either the provision, appointed for the Minister, is fo mean, that it is altogether unable to intertwain an honest man in his calling; or elſe the Minister is altogether fecluded from uplifting that portion allotted to him by parishioners, addebtedit in payment thereof, and is compelled to await for the same from the erected Lord his chamberlain, or his garner, and fo in a manner getteth none, or at the leaſt ſmall payment of the same: For

reemeed whereof it is thought expedient, that the brethren after specified, viz. the Archbischops of Sanct Andrews and Glasgow, the Bisbhips of Orkney, Galloway, and Cathnes, with John Clappertoun, Mr John Hall and Mr Robert Buchanan, shall conveen at Edinburgh, the 20 day of June instant, and form a Supplication to be direct to his Majestie for planting of all the Kirks that are unplanted within this realme, whatfoever rank or qualitie the same be of, and that the same be direct to his Majestie by the Archbischop of . . . . . the Bishop of Brechen, Mr John Hall and Mr William Couper, whom the Assembly hath appointed their lawful Commissioners, to present in all reverence to his Majestie the humble petitions and supplications direct to his Highnes from this present Assembly. C.]

Extractit furth of the Register of the Acts of the Generall Assemblie  
be Mr Thomas Nicolsone, Commissar of Aberdeen, Clark, Keiper,  
and Extracter therof.

. . . . .

[Proclamation be the King, ratifying the Assembly at Glafgow 1610.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our lovits, &c., Mellingers, our Sheriffs in that part, conjunctly and severaly, specialy constitut, greeting. For as much as there be none who are ignorant of the great harmony and uniformity of minds among the Nobility, the Fathers of the Church, and a number of the most learned and best affected of the Ministrie, at their late meeting and General Assembly of the Church of this our kingdom, conveened in our City of Glafgow, and since with the general applause of all them who were then mett together, there were diverse and fundry most worthy ordinances and constitutions then establisched and concluded for the weale of the Church, and preservacion of good order, rule, peace and tranquillity within the same : and we, by our speciall Letter directed to the Lords of the Privy Consil, having expressly willed and commanded them, upon the ending of the said Assembly, for the more authorizing of the conclusions of the same, to command all our subiects of whatfomever sort, condition, or function, that they doe obtemper, obey, and not contradict, oppone or impugne any article, point or head of these conclusions : And in regard that, by special

act concluded in the said Assembly, all Ministers and Preachers whatsover are expressly prohibited and forbidden, either in privat or in publick, to speak against or impugne any of the conclusions made at that meeting, under the pain of deprivation: Therfor, the said Lords of the Privy Counsele have ordained, and ordain thir our Letters to be direct in manner and to the effect following, as an act made thereupon bears. Our will is herefor, and we charge you straitly and command, that incontinent thir our Letters seen ye pass to the Mercat Cros of our Burgh of Edinburgh, and all other places needfull, and there be open proclamation, in our name and authority, that ye command and charge, and inhibit all our subiects whatsoever; and in special, all teaching and preaching Ministers, and lecturing Readers, within this our kingdom, that none of them resume or take upon hand, either in their sermons publickly, or in their privat conferences, to impugn, deprave, contradict, condemn, or utter their disallowance and dislyke in any point or article of these mōl grave and wise conclusions of that Assembly endit with such harmonie, as they will answer to the contrary at their highest perrill and charge; and that you command all our Shireffs, Stewarts, Bailiffes and their Deputs, all Provefts and Baillies of our burrowes, and all other our officers and magistrats whatsoever within our said kingdom, that if they doe hear or understand of any breach of this present command, by any Preacher, Minister, or lecturing Reader, or other subiect whatsoever, that they faill not presently to committ the trespasser in this kind in some prison or ward, untill such time as they having advertised the saids Lords of our Privy Counsele of the same, they shall have their answer returned, what farther shall be done by them: and where any magistrat shall be found and tryed to have been unwilling, remiss or flouthfull in the execution of this present direction, It is hereby declared, that their negligence and connivence at any such fault shall make them as culpable hereof as the principal offender; and they shall be accordingly with all rigour and severity punished. And herewith that ye command all others our subiects of whatsoever quality, bearing no office or charge of magistracy, and so wanting power to apprehend and committ the delinquent, that upon their hearing of any one transgressing the present command and proclamation, that they doe certify the next magistrat or some one of our Privy Counsell of the same; otherways they shall be reputed, holden and accounted guilty of the same offence, and shall be punished as principal transgessors in this kind. The which to doe, we committ to you, conjunctly

and feverally our full power be thir our Letters, delivering them be you  
duely executed and indorsed again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of June, and of  
our reign the eight, and fourty thrie years, 1610.

Per actum Secreti Confilij, &c. C.]

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A.D. M.DCXII.

A Ratificatioun, be Act of Parliament haldin at Edinburgh, 1612 geirs,  
of the Acts and Conclusiouns sett down and aggredit vpon in the  
Generall Assemblie haldin at Glaſgow, in the moneth of June 1610 :  
Together with ane explanatioun made by the Estates, of ſome of the  
Articles of the fame.

Forfameikle as in the Parliament haldin at Edinburgh, in the geir of God  
1597, the Estates of this kingdom remittit to his Majestie to conſult and  
aggrie with the Generall Assemblie of the Kirk, vpon the authoritie and  
power quilk the Archbifchops and Bifchops ſould have in the policie and  
discipline of the Kirk : Wheranent after that his Majestie and his Com-  
miffioners many tymes had moft ferioufly conferrit and advyſit with the  
Miniftrie : At laſt conculſioun was takin in the Generall Assemblie haldin  
at Glaſgow, in the moneth of Junij, 1610 geirs, determining all the doubt-  
full and contravertit points concerning the jurisdiction, policie, and discipline  
forſaid, with full and vniorme conſent of a very frequent number  
of godly Minifters, affiſtit be the counfell and concurrence of a great many  
of the beſt affectit Nobilitie, Barrones, and Commiffioners of Burrowes of  
this kingdom, in maner, ſubſtance, and effect following : with the explana-  
tioun maid be the Estates of Parliament preſentlie conveinit, of ſome of  
theſe articles reſolvit vpon in the foirſaid Assemblie of Glaſgow.

In the firſt, the foreſaid Assemblie acknowledgeth the iudicition of the  
Generall Assemblie of the Kirk to appertaine to his Majestie, by the pre-  
rogative of his Royal Crowne.

And farther ordaines, that the Bifchops falbe Moderatours in every Dioc-  
eſian Synod. And the Synod fall hald twyſe in the geir of the Kirks of  
every Dyocie, viz. in Apryle and October : and quher the Diocies are

large, that ther be twa or thrie Synods in convenient places, for ease of the Ministrie : And in cace the Bisshop of the Dyocie be abfent vpon any necessar occaſion, in that cace his place falbe supplied be ſuch ane worthie Minister, bearing charge within the bounds, as the Archbisshop or Bisshop fall appoint.

That no fentence of excommunicatioun or abſolution thereof be pronoucitet againſt or in favours of any perfon, without the knowledge and approbatioun of the Bisshop of the Dyocie, quho muſt be anſuerable to God and to his Majeftie for all formall and vnpartiall proceeding therein : And the proces being found formall, the fentence to be pronoucitet at the direc‐tion of the Bisshop, be the Minister of the paroch quher the offender dwells, and the proces began.

That all prefentatiouns to benefices be direc̄tit heiraſter to the Archbis‐hop or Bisshop of the Dyocie, within the which the benefice vacand be dimiſſioun, deprivatioun, deceis, or vtherwayes, lyeth : with power ellē to the Archbisshop or Bisshop to dispone and conſerre ſuſh benefices as falls in his Dyocie, jure devoluto : Provyding alwayes, in caice any Archbisshop or Bisshop ſould refufe to admitt any qualified Minister, (accepting the prefen‐tatioun grantit to him, and who hath bene once receivit and admittit to the functioun of the miniftrie, being then ſtill vndepryvit,) prefentit to them be the patronē, in the caice of any ſuſh refufe, It falbe laufull to the patronē to reteine the whole fruities of the ſaid benefice in his awin handis. And either he, or the paroch wanting a Paſtour, be reaſon of the not planting of the Kirk, (in caice the refuſall therof come be the Bisshop,) may com‐plaine therof to his Archbisshop ; and if either the Archbisshop be the refuſer, or els give not due redrefſe being complained vnto : in that caſe the Lords of his Majefties Privie Counfell, vpon the parties complaint of the refufe, and no sufficient reaſon being givin for the fame, fall direc̄t letters of horneing, chargeing the Ordinarie to doe his duetie in the receiving and admitting of ſuſh a perfon as the ſaid patronē hath prefentit. It is al‐wayes declarit, that if any Archbisshop or Bisshop fall deprehend any ſuſh perfon as is prefentit to him, to have come within compaffe of a ſimoniacall paſtioun with the patronē, in fo farr as he hath either alreadie hurt, or pro‐mised or bound himſelfe to prejudge and hurt the eſtate of his benefice in not reſerving a sufficient mainteneance for him and his ſuccellours, anſuerable to the eſtate of his benefice ; and that the Bisshop or Archbisshop fall vnderſtand the fame, either be the parties oath, or vther cleir pruif and

evidence : in that case they may lafullie refuse any such person presentit to them. But if the partie who is presented, hath reservit to himselfe and his successours a sufficient manteinance, the setting of tacks, or promise to doe the same, or doing of any thing els to his patronē, (being not prejudiciale to that aforaid manteinance,) fall no wayes be ascryvit to any simoniacall paſtioun, nor fall not serve for any reason to the Archbisshop or Bisshop to refuse him. And in case any such contraversie or question fall occure betuixt the patronē, the person presentit, and the Archbisshop or Bisshop, It is declarit, that the Lords of Counsell and Seſſioun falbe Judges therunto, to decyde vpon the said symoniacall paſtioun, and qualitie of the same, if any such thing falbe objectit against the partie presentit.

In depolition of Minifters, the Bisshop associating to himselfe the Miniftrie of these bounds quher the delinquent served, he is ther to take tryall of the fact, and vpon just caufes found, to deprye : And the lyke ordour to be obſervit in ſuſpenſion of Minifters from the exercife of the functioun.

That every Minister in his admiffioun fall ſweare obedience to his Majeftie, and to his Ordinar, according to this forme following : I A. B. now nominat and admittit to the kirk of D. teſtifie and declare in my conſcience, that the right excellent, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faſhion, &c. is the onlie lafull ſupreame governor of this realme, awell in matters ſpirituall and eccleſiaſticle as in things temporall : And that no foraine Prince, State, nor Potentate, heſ nor ought to have any jurifdiſtioun, power, ſuperioritie, prehemincie, or authoritie eccleſiaſticle or ſpirituall within this realme. And therfor, I vtterlie renounce and forſake all foraine jurifdiſtioun, power, ſuperiorities, and authorities ; and promifes, that from this furth I fall and will beare faith and true alledgedance to his Hienes, his aires, and lafull ſuccesſours ; [and to my power shall affit and defend all jurifdiſtions, privileges, preeminenties, and authorities granted and belonging to his Highneſſ, his heirs, and lawfull ſuccesſors,] or vnted and annexit to his Royall Crowne. And further, I acknowledge and confesse to have and to hold the ſaid D. and poſſeffioun of the fame, vnder God, of his Majeftie, and his Crowne Royall of this realme : and for the faids poſſeffiouns I doe homage preſentlie to his Hienes in your preſence : and to his Majeftie, his aires, and lafull ſuccesſours, falbe true. So help me God. And als that every

Minister in his admissiou fall fweare obedience to his Ordinar, according to this forme following : I A. B. now admittit to the Kirk of C. promises and fweares to E. F. Bisshop of that Dyocie obedience, and to his successors in all lauffull things. So help me God.

And if the said benefice be at the presentatioun of ane laik patrone, the perfou presentit fall give his aith as followes : I G. H. now admittit to the forfaid benefice, testifie and declare in my conscience, that the right excellēt, right high and mightie Prince, James the Sext, be the grace of God, King of Scotland, Ingland, France, and Ireland, Defender of the Faith, &c. is the onlie lauffull supreme Governor of this realme, as weill in matters spirituall and ecclesiasticall as in things temporall ; and that no forraine Prince, State, nor Potentate, hes nor aught to have any jurisdic̄tioun, power, superioritie, preheminence, nor authoritie ecclesiasticall or spirituall within this realme. And therfor, I vtterlie renounce and forfake all forraine jurisdic̄tioun, power, superiorities, and authorities ; and promises, that from this furth I fall and will beare faith and true alledgance to his Hienes, his aires, and lauffull succeffours ; and to my power shall affist and defend all jurisdictions, privalidges, preeminencies, and authorities granted and belonging to his Hienes, his aires, or lauffull succeffours, or vnted and annexit to his Royal Crowne. And I doe acknowledge and confesse to have and hold the said benefice and poffeſſions of the fame, vnder God, be his Majestie, of E. F. lauffull patron of the fame.

That the visitatioun of ilk Dyocie be done be the Bisshop himselfe ; and if the bounds be greater than he can overtake, that then he make ſpeciall choife of ſome worthie man of the Miniftrie of the Dyocie, to vſite in his place : And quhatever Minister, without just caufe and lauffull excuse made, fall absent himſelfe from the visitatioun, or the Diocefian Affembly, he falbe ſuspendit from his office and benefice ; and if he amend not, he falbe depryvit.

That the Conventiouns of Ministers for Exerceife falbe moderatit be the Bisshop being prefent ; and in his absence, be any vther Minister quhom he fall appoint at the Synod.

Quhilks acts, ordinances, declaratiouns, and determinatiouns above wrytin, his Majestie finding to be verie aggrieable to the true religiou profeſt within this kingdome, and to the godly and decent governement of the Kirk, Miniftrie, and whole members therof : Therfor his Hienes, with advyce and conſent of the Estates of Parliament, ratifies, approves, and con-

firmes all and fundrie the premysses: and ordaines them and every ane of them to be obeyit and observit, be all his Hienes subiects, as inviolable lawes in all tyme comeing. Annulling and refcinding the 114 act of his Majesties Parliament, haldin in anno 1592, and all and quhatfomever acts of Parliament, laws, ordinances, constitutiouns, fentences, and customes, in fo farre as they or any of them, or any part of the same, are contrair or derogatorie to any of the articles above wrytin, als essentially and effectuallie in all respects as if the saids acts and confuetudes heirby abrogat were at lenth heirin expressit.

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A.D. MD.CXV.

[The Courts of High Commission united in December, in forme and manner following.

Our Soveraigne Lord ordaineth a Letter to be made under his Highnes great Seal, in due form, making mention, that forfameikle as it hath been heavily complained to his Majestie, in the behalfe of the Ministrie of the Kingdom of Scotland, of the frequent Advocations, made by the Lords of Council of the same Kingdom, against such as are either erroneous in religion, or scandalous in life; whereby they are not only discouraged from censuring of vice, but the offenders so much the more emboldened to continue in their wickednes, using their Advocation as a mean and delay, both to disappoint trial and punishment, knowing that many of the Ministry, in regard of the meanness of their provision, are unable to attend, and prosecute the diet of such proceſſe; the matter contraveened being also improper to the Council to cognofce upon. For eschewing of the which inconveniences, and that the number of true Profeffors may be known to increafe, the Antiechristian enemie and his grouth suppressed, all kind of vice and scandalous life punished, and that no cover of iniquitie, nor delay of trial and punishment of the offender be left, by this subterfuge of discharging the Ecclesiastical censure to proceed in things so meer proper for them, or being otherwife of a mixt nature, in regard of the danger and sequel of lawb y reaſon of the offence committed; which in this cafe can no wayes be so well ſupplied, as by the particular choife of ſome of the Nobilitie,

Clergie, other Laicks and Ministers, being well affected in religion, zealous in the cause of God, and desirous to have all vice and sinne punished, and the increase and growth of the enemie stayed : And because the citation of the forefaid persons is oftentimes protracted or delayed by absence of any of our two Archbishops of Scotland, either by sicknes, or for other reasonable causes ; so that by the absence of our Archbisshop of Sanct Andrews, the scandalous persons, within the Province and Diocie of Sanct Andrews, cannot be cited to comppear before our Archbisshop of Sanct Andrews as their Ordinar : And by the absence of our Archbisshop of Glasgow, the offenders, within the Province and Diocie of Glasgow, cannot be cited to comppear before our Archbisshop of Glasgow ; so that the scandalous persons, at the least the most part, escape punishment : Therefore, for remedie hereof, out of his dutie towards God, and love to his Kirk, being the Nurse Father of the fame upon the earth, within his Majesties dominions ; and grieving, that either hereticks, schismaticks, or scandalous livers, shoulde finde any subterfuge, colour, or escape the old ordinarie course from the Ecclesiastical punishment, appointed by his Hienes laws, against offenders in such causes, hath given, granted, and committed, and by the tenor hereof, gives, grants, and committs full power and commision to the most reverend Fathers in God, and his Highnes right trustee and welbeloved Connellors, John Archbisshop of Sanct Andrews, Primat and Metropolitan of Scotland, and James Bisshop of Glasgow, conjunetly and severally, and Alexander Earle of Dumfermline, Chancellour of our Kingdom of Scotland, John Earle of Marr, George Earle of Merschal, John Earle of Montrose, Peter Bisshop of Aberdeen, Alexander Bisshop of Murray, William Bisshop of Galloway, Patrick Bisshop of Rofs, Andrew Bisshop of Brechin, Alexander Bisshop of Cathnes, Adam Bisshop of Dumblane, Andrew Bisshop of Argile, and George Bisshop of Orknay, the Lord Binning, Secretar of our realme of Scotland, . . . . . Lord Lindsay, William Lord Sanquhair . . . . . Lord Forbes, Walter Lord Blantire, Sir Richard Cockburne of Clerkingtoun, Lord Privie Seal, Sir Alexander Hay of Whitburgh, Clerk of Register, Sir William Oliphant Newtoun Knight, our Advocate, Sir Gedeon Murray of Eliebank Knight, our Treasurer Depute, Sir David Carnegie of Kinnaird Knight, Sir William Levingstoun of Kilsyth Knight ; Mrs Patrick Galloway, John Hall, Peter Hewat, Andrew Ramsey, Minifters at our Burgh

of Edinburgh, Mr John Ramsey, Minister at . . . . Mr John Hay, Parson at Ranfrew, Mr William Birnie, Minister at Air, Mr John Abernethie, Minister at Jedburgh, Mr Edward Hepburn, Minister at Prestoun, Mr John Mitchelstone, Minister at Bruntiland, Mr Theodor Hay, Parson of Peebles, Mr Thomas Henrifon and Mr John Arthure, Commissars of Edinburgh, Mr John Weemes, Commissar of Sanct Andrews, Mr William Hay, Commissar of Glasgow; or any five of them, the saids Archbishops of Sanct Andrews and Glasgow, or any one of them, being of the number of the forefaids, to summon or call before them, at such time and places as they shall think most meet, all person or persons, dwelling within our Country of Scotland, and within the Provinces of Sanct Andrews and Glasgow, and Diocies of the famine, being offenders either in life or religion, whom they finde any wayes to be scandalous; and specially, refetters and intercommuners with Jesuits, Seminary and Massie Priests, or excommunicat Papists, fayers and hearers of Massie, recusants, and not communicants, incestuous and adulterous persons; and that they take trial of the famine: And if they finde them guiltie and impenitent, refusing to acknowledge their offence, they shall give direction and command to the Preacher or Minister of that parish, where they dwell, to proceed with the sentence of excommunication against them; which sentence, if it be protracted or delayed, and their command by that Minister be not presently obeyed, they shall then conveen any such Minister before them, and proceed in censuring him for his disobedience, either by suspension, or deprivation, or otherwise, according as in their discretion they shall hold his obstinacie, and refusall of their directions, to have deserved: And farther, to fine at their discretions, imprison, or ward any such persons, whom, being conveened before them, they shall find upon trial, for contumacie, or their non comppearance, to have deserved such punishments for the faid crimes: And a warrant under the hand of any five above named, any one of the faid Archbishops being alwayes one of them, shall serve for a sufficient command to Captains and Constables of his Highnes Wards and Castles, and to all keepers and Jaylors of all Prisons or Wards, either within burgh or land, within any part of the faid countrey, for receiving and detaining of such persons, as shall be directed unto them, to be keepeed by them in such form as by the faid warrants shall be prescribed, as the faid offenders will answere to the contrarie upon their peril. And of all such fines, as shall be imposed upon any offender, the one half

to appertain to his Majestie and his Highnes Treafurer ; another half to be employed upon such necessary charges, as the said Commissioners shall be forced unto, by charging all Papists, and witnesses to compear before them ; and the surplus to be bestowed, at the sight of the said Commissioners, ad pios usus : And that the said Letters be extended in the best form with all clauses needful, and with command therein to the Lord of his Highnes Privie Council of Scotland, upon the sight of any certificat, subscribed by any five of the said Commissioners, the said Archbithops being alwayes two of them, either of fine imposed upon any partie found guiltie, or of the contumacie or refusal of any partie to compear before them, to direct a summar charge of horning upon ten dayes only, for payment of the fines to be imposed upon them, and to direct his Highnes Letters and warrant for present denouncing of persons that are contumacious, for their contumacie and refusal to compear, being lawfully called to that effect : and that no suspension nor relaxation be granted, without a certificat under the Bishops hands, of the partie charged his obedience and satiffaction : And in case of farther disobedience of the partie, who shall be charged for his fine of non compearance, his Majestie then ordaineth his Lords of Council to prosecute the most strait order, as is used against any others his Highnes rebels, for any other cause whatsoever : With power to the said Commissioners to proceed therein ; and also to take trial of all persons, that have made defection, or otherwise are suspected in religion ; and as they finde any just cause against them, to proceed in manner foresaid : Commanding also by thir prefents the Captains and Lieutenants of his Majesties guards, Provests and Bailliffs of Burghes, where the said Commissioners shall sit, Sheriffs, and Bailiffs of Regalities, and all others his Majesties Officers, and Ministers of the lawes, to search, feek, take and apprehend all and sundrie persons his Majesties lieges, whom the said Commissioners shall think meit to be presented to their judgement and trial, upon a warrant subscribed by any five of the said Commissioners, any of the said Archbithops being alwayes one of them : And also, whensoever they learn or understand of any Minister, Preachers or Teachers in Schooles, Colledges or Universtities, or of exhorting and lecturing Readers within these bounds, teaching or speaking against the present establisched order of the Kirk or Estate, against any of the conclusions of the by past General Assemblie holden at Glasgow, or any acts of Parliament, and specially, the act of Parliament holden at

Edinburgh, in October 1612 years: and therefore, after calling before the said Commissioners, they shall be questioned upon the points of that which is laid against them, and punished according to the qualtie of their offence. And whereas complaints shall be made unto them by any partie, that shall be conveened before any Ecclesiasticall Judicatore, for any such crime as he shall be suspected of, and the partie alledge there, that the matter itself is impertinent to that Jndicature, and the proceedings to be, and to have been unformal; or that the Judicature itself hath been partial: And when the said Commissioners shall see a just cause, they shall take . . . . . like as it shall be leefome to whatsomever perfon or persons, to appeal to the said Commissioners from any inferior Ecclesiasticall Judge, upon any reasonable cause: then and in that case, the said Commissioners to take cognition therein, the case of Appellation being found reasonable: With power also to the said Commissioners, to make choise of the Clerk, Procurator fiscal, and other members of Court; and to direct precepts in name of the said Archbishops and their Affociats, for their citation of any parties before them, within the bounds of the said countrey, in any of the causes or cases above named: which precepts shall be sealed with a special Seal, containing the Armes of the said two Archbishops; and these presents shall be a sufficient warrant, both for making, and using the said Seal; and to charge witneses to compair before them, under the pain of fourtie pounds usual money of this Realme of Scotland: And upon a certificat from the said Commissioners, that any of the laid penalties are incurred by their contumacie, the said Lords of Councel shall direct the like charges for payment of the same, as is appointed for the fines. Attour, our said Sovereign Lord by the tenor hereof dischargeth the Lords of his Highnes Council and Sellion of all advocating to themselves, from our Ecclesiasticall Judicatories, any of the matters of the qualities above written; but that they referre the famine to the decision of the said Commissioners: And generally to do all and whatsoever things the said Commissioners shall hold fit and convenient for his Highnes service herein, according to the intent and purposes of his Majesties Commission: Charging likewise, and commanding all and fundrie his Highnes lieges and subiects, whom it effeirs, to answer readily, and obey the said Commissioners, or any five of them, any of the said Archbishops being always one of them, their officers and Ministers, in all and fundrie things concerning the premisses, under all

highest pain and charge that after may follow: And ordains our Great Seal to be appended to the same; whereunto these prefents shall be a sufficient warrant.

Given at Royftoun, the 21 of December, the year of God 1615 years,  
and of our reigne fourtie nine, and thirteen years.

A. Chanc. Binning.  
Murray. Alexander Hay.

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A. D. MD.CXVI.

The Kings Letter to Mr John Spotswood, Bishop of Sanct Andrews.

Right reverend Father in God, right trusty and well beloved Counsellor, We greet you well. We have received your letter of the 13 of this instant, whereby ye and the remenant Bishops doe give us account of the High Commissions proceedings, and the causes moving them at their last meeting, to committ the Marques of Huntlie: and as we are well pleased both with your Asssembly, and that effect thereof, especially at this time of so great defection, and apostacy in the North; so it is our pleasure, that the said Marques be no ways relieved of his commanded restraint, but that he remain therein, notwithstanding our late letter sent to him, which being directed and dispatched before we knew of his restraint, is not to be interpreted as a warrant for his relief thereof; so as notwithstanding the said letter, ye are still to detain him, if he be in prison, and otherways to cause him reenter the same.

And seeing now ye haue made so fair an entry and way to curb and correct Popery, and prevent the future grouch and increase therein; so we are the more earnestly to persuade you to sett forward in so good a cause, without fainting or wearyng; because at this time of the Marques his imprisonment, every man will be in expectation of some real effect and work of reformation: Wherfor you and all the rest of your collegues are to use the greater care and diligence in your proceedings against the Jesuits, Priests and Papists in these parts; and chiefly against these of the said Marques his name, kind, and dependents, by citation, or such other course as ye shall think meet for their discovery, pursuite, tryal, and punishment,

wherein as we doubt not, but ye will perform all that we can expect or require of you, so may ye be confident of our special approbation, and aid to be conferred to any lawfull course that ye intend or take for the same.

In the mean time, among other particulars of that letter sent unto us, wee cannot but take special notice of the devilish disposition of Cornelet Gordouns wife, in railing so wickedly against a Preacher, and using such speaches to divert people even at the church door from entering to hear the Word: Wherfor, our pleasure is, that ye resolve upon the most expedient course to bring her to Edinburgh, and she to be committed to the Tolbuith thereof: for if these speaches expressed in the said letter be verified against her, we will repute her as infamous, odious, and punishable as any witch: and unless be her punishment, we be confirmed of her guiltiness, we must esteem the information made against her to be but an invention, and yow too easily to haue believed a lye.

According to your desire, we have required our Depute Treasurer to cause dispatch the guard to pursue Gight, and take his house. And for punishing the rest that being cited, compeared not before our Hie Commission, we have willed him to proceed against all and every one of them, with all severity and rigour of law.

And to conclude, whereas ye desire the declaration of our pleasure concerning Mr John Murrey: Seing be his conformity he has given you satissfaction, we are well pleased, that ye place him in Dumfermling, or elsewhere as ye shall think most fitt. And so we bid yow farewell.

At Wansteade, the 22 of June, 1616.

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Proclamation be the King, for holding the General Assembly at Aberdeen,  
in August 1616.

James, be the grace of God, King of Great Britane, France, and Ireland, Defender of the Faith, To our Lovits, &c. Messingers, our Shireffs in that part, conjunctly and severally, specially constitut, greeting. For as much as the Prelats, and the reverend Fathers of the Kirk, forseeing that there is a great decay in religion, and a grouth and increase of Poprie, within this our kingdom; and that the same is like to produce many dangerous effects against the Estates, both in Kirk and Policie: And the said Prelats hav-

ing gravely devised upon the best and readiest means, both for preventing and suppreffing this grouth of Popery ; and for reforming of the difforders and abufes flowing therefra, they haue found, that nothing is more expedient for effectuating their good work than a National Assembly, and meeting of the whole Kirk : And by their petitions prefented to us, they have humbly craved our licence for the holding of the faid Assembly : Lykas we allowing of their good advice and opinion in this point, and being willing to hold hand to them in all and every thing which may procure the good of the Kirk, We have moft willingly and freely given and granted our consent, licence, permision and allowance for holding of the faid Assembly, and ordaining the fame to hold at our Burgh of Aberdeen, and to begin, God willing, upon the 13 day of August next approaching, in this instant year of God, 1616 years. Our will is herefor, and we charge yow ftraitly, and command, that incontinent these our Letters seen ye pafs, and, in our name and authority, make publication thereof be open proclamation, at the Mercat Crofs of the head burrowes of this our kingdom, and other places needfull, wherethrough none pretend ignorance of the fame : And that ye warn all and fundry Archbishops, Bishops, Commissioners from the Kirks, and others having vote in the faid Assembly, that they repair in due and lawfull tyme to our Burgh of Aberdeen, against the faid 13 day of August nixt, and afift the faid Assembly and meeting with their preſence and votes, and doe and perform that which to their charges in ſuch cafes appertaines, as they will anſwer upon the contrair at their perrill : The which to doe, we committ to you, conuently and feverally, our full pouer be theſe our Letters, delivering them be yow dueley execut and indorſit again to the bearer.

Given under our Signet, at Edinburgh, the 19 day of July, and of our reignes the 49 and 14 years, 1616.

Per Actum Secreti Confilij. C.]

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A. D. MD.CXVI.

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The Generall Assemblie of the Kirk of Scotland, halden at Aberdein  
the 13 day of August 1616: Where was present the Erle of Montrois,  
Commiffioner for his Majeftie, Lords and Barones, together  
with the Archbifhops, Bifhops, and Commiffioners from Presbittries.

[A Fast was indiected, be Proclamation and found of trumpet, to be  
kepted this day: Patrick Forbes, Laird of Corfe, taught in the morning;  
the Bifhop of Sanct Andrews before noon; Mr William Forbes after noon.

The King ordained by his Letter, the Primat to rule the Clergie, and  
his Commiffioner, the Earle of Montrofe, to order the Laitie; and defired  
the Assemblie to advise upon certain overtures for the rooting out of Popery,  
which he promifed to authorize be his lawes. So Mr John Spotfwood,  
Archbifhop of Sanct Androis, stepped into the Moderators place without  
election. Secretar Hamiltoun and the Lord Carnegie were appointed by  
the King to affift the Earle of Montrofe. The Catalogue of the Presbittries  
was not called, nor Commissioners confidered, whether free or limited.  
A number of Lords and Barones decored the Assemblie with filks and fat-  
tins, but without lawfull Commiffion to vote. Bifhops had no Commiffions  
from Presbittries. The Moderators of the Presbittries came according to  
the Bifhops Miflives.

The whole Bifhops and Lords of Councel, that were present, together  
with the Kings Commiffioner, and his Affifters, the Secretary, and the Lord  
Carnegy, and fifteen other Lords and Barones, with twenty Ministers,  
or thereby, were appointed to fit upon the Privie Conference. The first  
four dayes were spent in preaching, renewing old acts, and making fome  
new acts againft Papists. C.]

Seffio 2<sup>a</sup>. 14 Augusti.

Forsameikle as the most vrgent causes of the convocation of this prefent Assemblie, is to obviate the great increase of Papistrie within this realme, and to try out the just causes heirof, to the effect that sufficient remedies may be provided for redressing of the same in all tyme coming; and that it is found be the whole Assemblie, that ane great part of the causes of the said increase relyes partlie vpon the slacknes of the Ministrie in thair holie professioun, and partlie vpon the not executing of the laws, alswaill civil as ecclesiasticall, against such persons as either were excommunicat them-selves, and oppinly contemnit the said censure; or quho intertwaines, receipts, and maintaines quho were excommunicat; or quho were traffiquers against the true religioune prefentlie profest within this realme: For remeid quherof, the whole Assemblie in ane voyce hes statute and ordaint in maner after following.

In the first, For the better tryall and discovering of Apostates, it is statute and ordainit, that quhoever hes confessit the true religioune prefentlie profest within this realme, and hes subscryvit the famein, and hes receivid the holy facrament of the Supper of the Lord, and communicat conforme to the ordour observit within this realme; if at any tyme heirafter he or sche be found any tyme, either to reason against the said true religioune prefentlie profest within this realme, or any article or heid therof, or to raire against the same, or els directlie or indirectlie to be a feducer or perverter of vthers from the said trueth prefentlie profest, as said is; or if he or sche be found to receipt or intertwaine any traffiqueing Papists, Jesuites, or Seminarie Prieſts: Any of the said facts or deids falbe a sufficient caufe of apostasie, and these doers falbe reput, haldin and punishit as apostates.

And because the probatioun in the saids causes is difficile and almost impossible, in respect that the saids deids are committit covertlie, and quherin probatioun can hardly be deducit: Therfor it is statute, that in eace vther probatioun cannot be had, that it fall be lawfull to prove the famein be the aith of the partie alledgit committer of the saids facts and deids; and that it fall not be leifum to him to refuse to give his oath in the saids matters, vpon quhatfoevir colour or pretence of criminall actionun, or vthers

following therwypon : and to this effect that ane supplicatioun be directit to his Majestie, that it might please his Hienes to fett downe ane ordinance for ratificatioun of the former statute, to the effect it may be receivit in all Judicatories.

Item, It is statute, if any person or persons quho hes conformit himfelse to the true religiou恩 presentlie profest within this realme, and hes subscrivit the Confessioun of the Faith, and receivit the Communiou恩, if at any tyme heirafter he or they doe not haunt the ordinar exercis of religiou恩, being admonischit be thair ordinar Pastour trina admonitione [directed from the Sellioun of the Church,] the same being proven falbe ane sufficient cause to punish them as bald and repute apostates.

Item, It is statute and ordainit, that quhatsumevir person, known of before tyme to have bein a Papist, and after his reconcileing to the Kirk, he falbe tryed and found to weare and beare vnder person Agnus Dei, beids, croces, crucifixes, or to have in their hou ses idols and images, or in thair bookes sick things as befor they have superstitiouſlie vſed, the famein fall inferre just suspicioun of apostasie, and falling back in the faids errores ; and they being convict thereof, falbe haldin and repute as apostates.

Item, It is statute and ordainit in all tyme heirafter, quhensoever any Minister fall receive any Papist returning from his errores to the bosome of the Kirk, that at the tyme of his receiving, the Minister fall first take his aith solemnlie sworne, that he fall declare the veritie of his faith and beliefe in every particular point and article, contained in the Confessioun of the Faith, quhilk falbe speirit at him ; and that immediatlie therafter the said Minister fall examine him particularlie vpon everie heid conteinit in the Confession of Faith, and receive his particular answere therwypon affirmatiue, conforme to the famein ; vtherwayes that he fall not be receivit.

Item, It is statute anent the wyves of Noblemen, Gentlemen, and others professing Papistry, quho refetts traffiqueing Papists, Jesuites, and Seminarie Preiſts, as if the fame were done against the will and knowledge of thair husbands, that all such wemyn falbe callit and conveinit for the said receipt and intertainment ; and thair being convict therfor, that they falbe wardit ay and quhill they find sufficient caution to abstaine from the lyke receipt or intertainment, in any tyme comeing, vnder a certaine paine ; but prejudice of any actioun that may be competent against thair husbands, conforme to the laws of this realme.

Item, Becaufe the ſpeciall caufe of increase of Papistrie proceids vpon

the not putting to execution of the statutes and acts of Parliament made against traffiqueing Papists, Jesuites, and Seminarie Priests ; that therfor a supplicatioun be directit to his Majestie, that it will please his Hienes to take such ordour, that the loveable lawis and acts of Parliament, made be his Majestie in tymes bypast against traffiqueing Papists, Jesuites, and Seminarie Priests, may be put to executioun, in all tymes comeing, with all severitie.

Item, It is ordainit, that the haill names of Papists recusants, within this realme, be givin in be the Commissioners of this prefent Assemblie, to the Clerk, to be delyverit be him to the Archbischops of Sanct Androes and Glasgow, conforme to thair severall Provinces, to the effect they may be callit and conveinit before them in the Hie Commisioun, and punished as accords ; but prejudice alwayes of vther ecclesiasticall censure, and discipline of the Kirk, statute aganis them of befor.

Item, It is ordainit, that every ane of the Ministrrie give up the names of such of thair paroch as hes past furth of the countrey, and not found cattion for thair behaviour, and sincere professioun of the religiou, foorth of the famein, conforme to the act of Parliament, to the effect they may be callit, conveinit, and punischt conforme to the faid act.

Item, It is ordainit, that the whole names of the persons excommunicat within this realme, quibilk falbe givin vp be the Commissioners, be delyverit to the Bisshop of every Dyocie, quho fall delyver a catalogue of the names to every Minister within his Dyocie, ordaining every Minister to make publick intimatioun thereof, at every ane of thair paroch kirks, vpon Sonday, in tyme of divyne service, that no man pretend ignorance of the same ; chargeing and inhibiteing every ane of thair paroch, that they neither receipt the faid excommunicants, nor intercommune with them : certifieing them and they doe in the contrair, they falbe callit and conveinit as receipters of traffiqueing Papists and excommunicat perfons, and be punischt for the fame.

Item, The Assemblie recommends to the care of Bisshops within thair Dyocies, and Ministers within thair congregatiouns, to travell with noblemen, gentlemen, and burgesses, that ther be ordinar exercise of reiding and prayer within thair hou ses, as also ane prayer for the Kings Majestie and his children, after every meale : [And that the Minister of every parilh haunt the hou ses to see the fame observed.]

Sessio 3<sup>a</sup>. 15 Augusti 1616.

Item, Because ther are some pamphletts and booke full of calumnies, quyettlie fett foorth, and spred within this countrey be the Papists, and enemies of the true religiou[n]: Therfor the Assembly hes ordainit, that Mr William Scott, Minister at Couper, and Mr William Struthers, Minister at Edinburgh, [the Laird of Corfe, and the Bishop of Galloway,] fall make ansuers to the faids booke and pamphletts, to the effect that therby the peiple may be instruc[ti]t how to beware of the samein, and the faid errours and calumnies may be refutit.

Item, Because it is certaintely informed, that certaine wemen taks vpon them to bring vp the gouth in reiding, sewing, and vther exercisies in schooles; vnder pretext and colour quherof, traffiqueing Papists, Jesuites, and Seminarie Preistis hes thair appointit tymes of meeting: at quibilk tymes they catechise and pervert the gouth in their young and tender age, in such fort that hardlie therafter, by great paines and travells, can they be brocht fra their errours to the acknowledging of the trueth presentlie profestit within this realme: It is therfor statute and ordainit, that it fall not be leifum to quhatfumevir person or perfons to hold any schooles for teaching of the gouth, or to teach them therin, except they first have the approbation of the Bishop of the Diocie, and be first tryit be the Ministers of the Presbytrie, quher they dwell, and have thair approbation to the effect forfaid.

Item, Because ther is a great abufe in peiple passing to pilgrimages to wells, to trees, and auld chappells; as likewayes in putting vp of baneffires: Therfor it is ordainit, that the brethren of the Ministrie be diligent in teaching of the peiple, and preaching against such abusis and superstitioun, to the effect they may be recallit from the faids errours: as lykewayes that the Ministrie take diligent tryall of the names of thoſe quho haunts these pilgrimages, and to delate the same to the Archbischops of Sanct Androes and Glasglow, every ane within thair awin provinces, to the effect they may be callit befor the Hie Commissioun, and punischit for the same. It is lykways ordainit, that thair names be delyverit to the Justices of Peace, with the places of thair pilgrimages, and dayes of thair meetings; and that they may be requiſtit and defyrit to attend vpon the

saidis dayes of thair meetings, and to distract and divert them therfrom, be apprehending and punishing of them.

Item, It is ordainit, that every Minister give vp the names of ydle songsters within thair parishes to the Justices of Peace, that they may be callit and conveinitt befor them, and punischt as ydle vagabounds, conform to the Acts of Parliament, and power given to the said Justices of Peace theranent.

Item, Because it is found, that diverse of the said Jesuites, traffiqueing Papists, and Seminarie Preists goes about, vnder the colour and pretext of Doctours of Phylick and Apothecaries, deceiving and perverting the peple from the true religioun profest within this countrie : Therfor ane supplicatioun wald be direct to his Majestie, that it wald please his Hienes to statute and ordaine, that none heirafter be sufferit to vse and exercise the office of ane Doctour of Phylick or Apothear, quhill first he have ane approbation from the Bishop of the Dyocies, quher he maks his residence, of his conformitie in religioun ; as lykewayes from the Vniverfitie, quher he learnit and studied, of his qualification and sufficiencie in the said art.

The quhilc day compeirit in prefence of the haill Asssemblie John Gordoun of Buckie, in name, and at the direction of ane noble and potent Lord, George Marqueis of Huntlie, and presentit a petition, direct be the said George Marqueis of Huntlie, to the said Asssemblie, subserivit with his hand, craving to be absolved orderly from the sentence of excommunication, and desyring answier of the same to be given be the Asssemblie ; quherof the tenour followes, as is to be found in the end of this Assembly.\*

The Bishop of Sanct Androes presented ane letter direct from the Archbisshop of Canterburie, together with ane vther letter from the Kings Majestie, concerning the absolution of the said Lord Marqueis from the sentence of excommunicatioun made be the said Archbisshop of Canterburie, quhilc were both red in prefence of the said Asssemblie, and ordainit to be registrat in the Acts of the Generall Asssembly ad perpetuam rei memoriam, quherof the tenour followis :

Heir to insert the two letters quhilc is to be found afterward.\*

With the quhilc the Asssemblie being rypelie advilisit, hes thought it most expedient, that the said Marquese compear in the presence of the haill Af-

\* The documents referred to are not contained in the two MS. copies of B. U. K. Advocates Library, nor in the MS. or printed copies of C. to which we have had access.

femblie, ther to testifie his conformitie in the points of religiou[n], and resolutioun to abide therat; and fwa to be abfolvit from the sentence of excommunicatioun pronuncit against him: And, therfor, ordains the faid John Gordoun of Buckie to advertise the faid Lord Marqueis, that he compeir befor the Assemblie, on Wednesday next to come, the xxj day of August instant, to the effect forsaid: And for the better furtherance heirof, the Assemblie hes desyrit the Lord Commissioner, and Lord Archbifchop Moderator, to wryte thir letters to the faid Lord Marqueis for the causes forsaids: and the whole Assembly was charged to stay while that time.

[The Bishop of Canterbury excuses Huntlies absolution in England. The reasons moving the Bishop of Canterbury. 1. His Majesties fute, assuring him that he was fully resolved. 2. The Bishop of Sanct Andrewes had reuecited him divers times to further that mans converzion, whensover occasion was offered. 3. He was refolved by the best learned in England, that he might absolve him. 4. That he did it of brotherly affection, and not as claiming any superiorty over the Kirk of Scotland. 5. He was informed be the Bishop of Cathnes then prefent at Court, that it would be acceptable service to the Kirk of Scotland. C.]

Decimo sexto Auguſti, 1616.

The faid day, the Lord Commissioner for his Majestie produceit certaine instrucciouns, direc[t] by his Majestie to the faid Lord Commissioner, to be proponit to this present Assemblie, anent the provioun of the remedie for the defection and falling away of many from the trueth: quherof the tenour followeth:

Inſtruſtions to our right truſtie and welbelovit Cuſigne and  
Counſellour the Erle of Montrois.

[1. That order be taken with the delapidation of benefices, and the progres thereof stayed, and fome means devyfed to recover that which is lost.

The Assembly thought good, that the determination of this matter should be referred to fome of the moſt wife and diſcreet of the Miniftry to conſult and aduife thereupon. And, in the meantime, it is flatute, that no Bishop,

Minister, or beneficed person, sett or ratifie any tack under the paine of deposition, till order be taken be the faid Commissioners thereanent.

2. That the chief burrow touns be planted with sufficient, wife, learned, and peaceable men ; especially such places as are now vacant, as Aberdeen, Perth, Edinburgh and Bamfe, &c.

3. That the most learned, discreet Ministers be appointed and tranport-ed to places where Noblemen has their residence, [specia]ly suspe[ct] of Pa-pistry ; and if the means of the provisio[n] be finall where they are transport-ed, to take the rents and stipend which they had before with them, till better order be taken : and to this effect the Assembly ordaines, that ilk Bishop within his Diocy, with advice of the Synod, shall transport Ministers as they shall think expedient.

4. That special canon be made, that all Archbischops and Bishops in their visitation, either be themselves, or if they may not overtake the famen, the Ministers of the parish make all young children of six years old be presented to them, to give confession of their Faith, that they may appear in what religion they are brought up. After which every two or three years they shall be examined, till they come to 14 years of age. After sufficient growth of knowledge they may be admitted to the Communion : and that punishment be appointed for them that presents them not, or are negligent in their instrucion.

5. That a true and simple Confession of Faith be fet doun, to the which all shall fweare before they be admitted to any office in Kirk or Common-weale ; and all students in Colledges.

6. That a short and compendious Catechism be made, which every kirk and familie shall have for the instrucion of their children and servants, whereof they shall give account before the Communion, and every one be examined conforme thereto.

7. That all children and schools shall have and learn be heart the Cate-chism, intituled God and the King ; which already, be Act of Confess, is ordained to be read and taught in all schooles.

8. That a Liturgie be made, and form of divine service, which shall be read in every church, in common prayer, and before preaching every Sabbath, be the Reader where there is one ; and where there is none be the Minister befor he conceive his oun prayer, that the common people may learn it, and by custome serve God rightly.

9. That the Communion be celebrat four times ilk year in the burrow touns, and twice in landwart ; and one of the times to be at Easter yearly. And if any communicat not once in the year, the act of Parliament is to strike upon them with all severity.

10. That there be an uniformity of discipline ; and to that effect the Canons of the former Counsils and Assemblies to be extracted ; and where the same are defective, to be supplied by former Canons and Ecclesiastical meetings. For setting doun whereof, the Commissioners following are ordained to conveen with the Bishops, in Edinburgh, the first day of December next to come, viz. the Laird of Corse, Mr John Reid, Mr George Hay, Doctor Philip, Mr David Lindsay in Dundie, Mr William Scott, Doctor Howit, Mr John Mitchelson, Mr Patrick Galloway, Mr John Hall, Mr Edward Hepburn, Doctor Abernethy, Mr Robert Scott, Mr William Birnie, Mr William Areskine, or the most part of them.

11. For the help of the poorterity, and furtherance of religion, that a special care be taken of the Divinity Colledge in Sanct Andrews ; and to that effect, that every Diocie shall furnisht two Students, or so many as may make the number to extend to twenty six ; and the half thereof to be children of poor Ministers, to be preferred be the Bishop of the Diocie : provyding always, that thefe who are furnished within the Province of Glasgow, that is to say, the Diocies of Glasgow, Galloway, Argile, and the Isles, shall be brought up in the College of Glasgow ; and not be astricteed to Sanct Andrews, but when they pafs Doctours only.

12. That none teach in pulpit publicly before the people, but thefe that have received imposition of hands ; and whloever does otherways be incapable of the Ministray.

13. That every Minister shall minister the Sacrament of Baptism quhensoever it shall be required, under the pain of deposition ; the godfather promising to instruc<sup>t</sup> the infant in the faith.

14. That every Minister have a Register of baptisims, mariages, and defuncts, within the parish, to be presented to ilk Synod : For doing whereof, it is flatute, the Ministers, their wives, and executors shall have the quotts and confirmation of their testaments free. C.]

Quhilk being red in audience of the haill Assembly, they give most humble thanks to his Majestie for the great care and folicitude his Majestie

alwayes tooke for the advancement of the glorie of God, and professioun of the true religioun within this realme, and holding downe and suppreſſing of Papistrie and ſuperſtitio[n] within the fame: And as to the faids inſtruſtions, the brethren was ordainit to advyſe therwith quhill the morne.

Decimo septimo Auguſti, ante meridiem.

Anent the faids inſtruſtions direc̄tit from the Kings Majeftie to this Aſſemblie, the faid Aſſemblie being rypelie advyſit therwith, hes ſtatute and ordainit, as followeth.

In the firſt, Concerning the caufes of the deſectioun and falling away of many from the true religioun in this kingdome, and the remedies therof, the Aſſemblie hes ſett them downe in the articles made befor in this preſent Conventioun: And therfor moft humblie defyres his Majeftie to conſirm and allow them, and make them receive execuſtions.

Item, Beacuſe the laik of competent maіntainance to Miſtiers is the cheſe caufe of the evill, quhilk lay vpon this Kirk, quhilk for the moſt part proceids from dilapiſation of benefiſes: to the effect therfor, that the progreſſe of that miſcheife may be ſlayit, and ſome meaneſ devylit to recover that quhilk by iniuitie of tyme hes bein loſit, the Aſſemblie remitts the tryall, cognitioun, and whole diſpoſitioun of this matter to the Commiſſioners appointit from this Aſſemblie, for the caufes underwrytin: And in the meantyme inhibites and diſcharges all Miſtiers quho are benefitiſ perſons, and vtherſ quho are members of any Chapter, to ſett in tack or affedatioun any part of thair benefiſes, either in long or ſhort tackis, to quhatſumevir perſon or perſonſ; or as members of Chapter to give thair conſents to any tack or affedatioun ſett be vtherſ, quhill the faids Commiſſioners have conveinit and takin ordour anent delapiſation of benefiſes, and forme and maner of fetting of tacks, vnder the paine of excommunicatioun of the perſons fetters of the faids tacks and conſenters thereto; and deprivatioun of them from thair benefiſes.

Item, Beacuſe the proviſioun of learmit, wife and peaceable men to be Miſtiers at cheife Burrowſtounes in vacant places, ſick as Edinburgh, Perth, Aberdein, Bamffe, and vther places vacant, is ane moſt effeſtuall meane to roote out Poperie, and perpetuat the profellioun of the true religioun: It

is therfor ordainit, that the Burrowtounes be provydit with the most learnit, wife and peaceable men that may be had. And because the Commissioners for the Towne of Edinburgh hes no commissioun from the said towne, anent the provisionm of Ministers to the vacant places in the said Kirk: Therfor the care thereof is remittit to the faids Commissioners, to quhom it falbe enjoynit in thair commissioun, that they lie the same performit. And as to Perth, the Assemblie ordaines my Lord Bishop of Galloway to deale with the Commissioners of the Towne of Perth, for provisionu of that vacant place. And sicklyke ordaines the Provest of Aberdein to advyse with the Counfell, anent the planting of the faid Kirk; to the effect sufficient and qualified men may be nominat and provided to the said places, befor the dissolving of this Assemblie.

Item, Because a special care shoulde be had of Noblemen thair residence, cheifie of such as were thought to inclyne towards Poperie: Therfor the Assemblie flatutes and ordaines, that the Lords Archbischops and Bischops, with the advyce of thair Synods, take care that most learnit and discreit persons of the Ministrie be appointit to attend the faids places, and be transportit therto, sick as to the Kirks of Dumbenen, Bellie, Northberwick, Cockburnespath, Peillay, and such vther places quher Noblemen makes residence, cheifly those quho are thought to inclyne towards Poperie; and that they have a care of thair manteinance and sufficient provisioun: And if the fame be small, that these that are appointit to attend at the faids Kirks, carrie thair livings and rents with them, quhill farder order be takin.

Item, Forsameikle as one of the most speciaill meanes for stayng of the increafe of Poperie, and settling of the true religioun in the hearts of the peiple, is, that a speciaill care may be takin in the tryall of young children, thair educationn, and how they are catechisit; quhilk, in the tyme of the primitive Church, was most carefullie attendit, as one of the most effectuall meanes, to caufe young childrein in thair verie tender geirs drink in the true knowledge of God and his religioun; bot is now altogether neglecit, in respekt of the great abuse and errors quhilk creip in in the Popish Church, ypon the said good ground, be bigging therupon ane Sacrament of Confirmation: Therfore to the intent that all errors and superflitioun quhilk hes been biggit vpon the said ground, may be reſcindit and takin away, and that the matter itſelfe being most necessar for educationn of youth, may be reduceit to its awin integrarie, It is flatute and ordainit, that

the Archbischops and Bisches, in the visitatioun of the Kirks, either be themselves, or quher they cannot overtake the bufflins, the Minister of the paroch, make all young childrein of six geirs of age be presentit befor them, and to give the Confessioun of Faith, that so it may appeare in quhat religioun they have bein brocht vp; and that they be commendit to God by solemine prayer at the tyme, for the increase of thair knowledge, and continuance of his grace with them. After that tryall, that the Minister of the paroch, every two or thrie geir, ance at the leaſt, reexamine them, that after ſufficient growth in knowledge they may be admittit to the holie Communioun. And it is defyrit, that ane supplicatioun be directit to the Kings Majeftie, bumbleie craveing that it wald pleafe his Hienes to injoyne ane puniſchment vpon ſuch parties, as either doe not preſent thair childrein, or falbe found negligent in thair right iſtructioun; and that they be callit and conveint therfor befor the High Commiſſioun.

Item, It is ſtatute, that the ſimple Confessioun of Faith vnderwrytin be vniuersallie receivit throughout this whole kingdome, to the quhilk all heiraſter falbe bound to ſweare and fett thair hands; and in ſpeciall all persons that beare office in the Church, at thair acceptatioun of any of the faids offices; and lykewayes Students and Schollers in Colledges: Of the quhilk Confeſſion the tenour followes.

#### Heir to infert the Confessioun of Faith.\*

Item, It is ſtatute and ordainit, that a Catechisme be made, eafe, ſhort, and compendious, for iſtructing the commoun fort in the articles of religioun, quhilk all families falbe ſubieet to have, for the better information of thair childrein and fervants, quho falbe holdin to give accompt therof in thair examinationis befor the Communioun. And for the better effectuating heirof, the Asſemblie hes ordainit Mr Patrick Galloway and Mr John Hall, Minifters at Edinburgh, and Mr John Adamsone, Minifter at Libbertoun, to forme the faid Catechisme, and to have the fame in readines, befor the firſt day of October next to come, to the effeſt the fame may be allowit, and printit with the Kings Majefties licence: The quhilk Catechisme being ſo printed, it is ſtatute and ordainit, that no vther heiraſter be printed within this realme, nor vſed in families for iſtructioun and examinationis of thair bairnes, fervants, nor the peiple in all tyme coming.

Item, It is ſtatute and ordainit, that ane uniforme ordour of Liturgie or

\* Printed at the end of this Assembly.

Divyne Service be fett down to be red in all kirks, on the ordinarie dayes of prayer, and every Sabbath day befor the sermoun, to the end the commoun peiple may be acquaintit therwith, and by custome may learn to serve God rightlie. And to this intent, the Assemblie hes appointit the faids Mr Patrick Galloway, Mr Peter Ewat, Mr John Adamfone, and Mr William Erskine, Minister at . . . . . to revise the Booke of Commonoun Prayers containit in the Psalme Booke, and to fett downe ane commoun forme of ordinarie service, to be vsed in all tyme heirafter; quhilk falbe vsed in all tyme of commoun prayers [in all kirks quher there is exercise of commoun prayers ;] as lykewayes be the Minister before the sermoun, quher ther is no Reidar.

Item, It is statute and ordainit, that in all tyme heirafter, the holie Communioun be celebrate in all kirks within this realme, at the tymes following, viz. in Burrowstounes, the Communioun falbe celebrate foure tymes in the geir, and twyse in the geir in landwart Kirks ; fwa that ane of the tymes, as weill to Burgh as to Landwart, falbe at the terme of Easter geirlie : and if any person fall not communicat geirlie ance in the geir, at one of the forlaid tymes, that it be humblie requyrit of his Majestie, that the penaltie of the a&t of Parliament may be exactit of such perfons with all rigour.

Item, It is thought most necessar and expedient, that ther be ane vniforme ordour of Church Discipline throughout all the Kirks of this kingdome ; and to that effect it is statute and ordainit, that a Booke of Canons be made, publisfied in wryte, drawin foorth of the bookis of former Asssemblies ; and quher the fame is defective, that it be supplied be the Canons of Counfells and Ecclesiasticall Conventionis, in former tyme : The care quherof the Assemblie be thir presents committis to the Right Reverend James Archibishop of Glasgow, and Mr William Struthers, Minister at Edinburgh, quho fall put in forme the faid Ecclesiasticall Canons, and present them in wryte to the Commissioners appointit be this Assemblie, to quhom power is givin to try, examine [and allow the fame ;] and after thair allowance and approbatioun thereof, to supplicat to his Majestie, that the fame may be ratified and approved by his Royal authoritie, with priviledge to put the fame in print.

Item, It is statute and ordainit, that for the help of posteritie, and to continue the light of the Gospell with ages to come, the Divinitie Colledge foundit at Sanct Androes, quhilk shoulde be the seminarie of the Kirk within this realme, be maintanit and vpholdin, and ane speciaill care takin therof.

And because the rent therof is meane for the present, it is ordainit, that for the provisioun of some stidents in Divinitie, every Dyocie fall intertwaine two; or according to the quantitie of the Dyocie so many, as the number may arise to twentie fixe in haill, respe&t being had to the meannes of some Dyocies, and greatness and power of vthers; so that the leaft Dyocies in thair contributioun falbe helped and easit be the greater: In the quhilke number it is ordainit, that the halfe at leift be the sonnes of pure Ministers, and be presentit be the Bishops of the Dyocies to the place.

Item, The Assemblie ratifies and approves the former A&t made in the Assemblie haldin at Halierudehous, the tent day of November 1602, anent the sacrament of baptism, that the same be not refuseit, if the parent crave the same, he giving a Christian confessioun of his faith, vpon any vther particular pretence of delay to tyme of preaching; with this extenson and additioun, that baptisme fall no wayes be denyed to any infant, quhen either the parents of the infant, or any faithfull Christian in place of the parents, fall requyre the same to the infant; and that the same be granted any time of day, but any respe&t or delay till the houre of preaching.

Item, It is ordainit, that every Minister have a perfyte and formall Register, quherin he fall have registrat the particular of the baptisme of every infant within his paroch, and quho wer witnessles thereto; the tyme of the mariages of all perfons within the same; and the spacial tyme of the buriall of every ane deceifand within thair parochin; and that they have the same to be in readines to be presentit be every ane, at thair nixt Synod Assemblie, vnder the paine of suspensioun of the Minister not fulfilling the same, from his Ministrie. And it is desyrit, that the saids Commissioners, in thair supplicatiouns direct to his Majestie, wold crave humblie that his Majestie wald ordaine the extract foorth of the saids Registers to make faith in all tyme coming: and quho so observes this A&t, the Archbischops and Bischops fall let them have thair quoats of thair testaments gratis.

#### A&cta Sessione ultima.

The quhilke day, in prefence of the whole Assemblie, compeirit ane noble and potent Lord, George Marqueis of Huntlie, and declarit, that he had directit of befor John Gordoun of Buckie to present his supplicatioun to this prefent Assemblie, quherof the tenour is insert before; lykeas of new

he reiterat the faid supplicationoun, declaring the sorrow and greife he had conceivit, in that he had lyin so long vnder the fearefull sentence of excommunicatioun ; and, therfor, most humblie desyrit to be absolvit from the fame ; lykeas he faithfullie promised, in face of the haill Affemblie, to perform and fulfill the heids and conditiouns vnder specifeit, viz. :

First, The faid noble Lord faithfullie promised befor God, his hand holdin vp, to professe and abyde be the true religioun prefentlie professit within this realme, and allowit be the laws and acts of Parliament of the fame.

2. He faithfullie promised to communicat at the first occasioun he should be requyrit, and so to continue, conforme to the ordour of the Kirk.

3. He sould cause his childein, servants, and haill domesticks be obedient to the Kirk and discipline therof ; and sould cause them haunt the kirk at ordinar tymes of preaching.

4. He shall not receive Papists, Jesuites, nor Seminarie Preists in his house, nor nane of his lands ; but put them out of his bounds with all diligence.

5. He allows the Confessioun of the Faith prefentlie fett downe be the faid Affemblie ; and in tokin of his constant confessioun and professioun therof, he hes subscryvit the fame in presence of the haill Affemblie.

Qubilk haill promises above specifiet, the faid noble Lord protestis and declares that he hes made and subscryvit truelie and with ane honest heart, but any equivocatioun, mentall reservatioun, or subterfuge quhatfumevir, devysit be the Romisch Kirk and thair supposts.

Attour, The said noble Lord faithfullie promises to plant his whole kirks, quherof his Lordship hes the teinds in tack, posseſſioun, or vtherwayes, at the sight and conclusioun of my Lord Archbisshop of Sanct Androes, the Bishop of Murray, and the Laird of Corfe, vnto whose modifiacatioun the faid noble Lord submitts himselfe, be the tenour of thir presents, giveand them power to modifie compleit stipends to the faids kirks ; and as they salbe modified be them, he oblisches him to make payment of the fame to the Ministers provydit or to be provydit to the faid kirks.

And in respect of the premisses, the Affemblie ordainit the said noble Lord to be absolvit from the sentence of excommunicatioun led and deduceit aganis him befor :

Conforme quherto, the Right Reverend Father John Archbisshop of Sanct Androes, Moderatour, in face of the haill Affemblie, absolvit the

faid noble Lord, George Marqueis of Huntlie, from the faid fentence of excommunicatioun, led and deducit against him, and receivit him againe into the bosome of the Kirk.

The quhilke day, the Generall Assemblie of the Kirk of Scotland presentlie conveiniet, having entrit in consideratioun of the caufes of the defection and falling away of many from the true religioune, and having found the lack of the competent manteinance to Ministers not to be the leaſt caufe of the evills, quhilke lyes vpon the Kirk presentlie; the ground and fundament quherof, for the moft part, hes proceidit from the dilapidatioun of benefices, with the quhilke if ſome ſolid ordour be not takin in tyme, the fame is apparent to bring foorth greater evill and defolatioun in this Kirk: And ſeeing that the Kings Majestie hes requirit, that ordour may be takin with the faids delapidatiouns, Therfor, in reſpect the fame cannot be suddenly done, but will requyre ane lang tyme and mature deliberatioun, the Assemblie hes givin, grantit and committit, lykeas they, be the tenour heirof, gives, grants, and committis thair full power and commiſſioun to the brethren vnderwrytin; they are to fay, the Reverend Fathers in God, John Archibishop of Sanct Androes, James Archifchop of Glasgow, Alexander Bifchop of Dunkeld, . . . . . Alexander Bifchop of Murray, Patrick Bifchop of Roſſ, William Bifchop of Galloway, Andro Bifchop of Brechin, Andro Bifchop of Orknay, Alexander Bifchop of Cathneſs, Adame Bifchop of Dumblaine, Andro Bifchop of Argyle, Andro Bifchop of the Iles, Patrick Forbes of Corfe, George Douglas, Minister at Cullen, Mr John Reid, Minister at Logie Buchan, Mr George Hay, Minister at Turreff, Doctour Hendrie Philip, Minister at Arbroth, Mr David Lindfay, Minister at Dundie, Mr William Scott, Minister at Couper, Doctour Robert Howie, Reector of Sanct Androes, Mr John Mitchelfone, Minister at Bruntiland, Mr Patrick Galloway, Mr John Hall, Mr William Struthers, Ministers at Edinburgh, Mr Robert Scott, Minister at Glasgow, Mr Edward Hepburne, Minister at Haughe, Doctour John Abernethie, Minister at Jedburgh, Mr William Birnie, Minister at Air, Mr William Erfkine, Minister at . . . Giveand, grantand, and committand to them, or the moft part of them, thairfull power and commiſſioun to conveine at Edinburgh, the firſt day of December next to come, in this instant geir of God 1616, and ther to take ordour with the dilapidatioun of benefices, and to ſett downe ſolid grounds how the progreſſe of that mischeife might be stayed, and to devyſe

vpon some meanes to recover and restore the estate of these benefices, quhilk be iniquitie of tyme hes bein losit ; and if neid beis, to call and perfew befor them these quho hes made the faids dilapidatiouns, and punisch them therfor ; and as they fall conclude, the same to be inactit, and have the force of this present Assemblie : With power lykewayes to the faids Commissioners, or the most part of them, as faid is, to take ordour anent the planting of sufficient and qualified Persons in burrowtounes prefentlie vacand, and are not plantit at this present Assemblie : With power lykewayes to receive from the right Reverend Father, James Archbisshop of Glasgow, and Mr William Struthers, Minister at Edinburgh, the Canons of Church Discipline committit to thair charge, and to revise the samein, allow and disallow therof ; and to dire&t a supplication to his Majestie, desyreing that it wold please his Hienes to ratifie and approve the samein, and to warrant the printing therof be his authoritic Royall.

[These words following were added by the Archbisshop :

Item, Power to receive the books of Liturgie or Divine Service, allow and disallow thereof, as they shall think expedient ; and the same being allowed, to cause publish the same in print for the service, within the Kirks of all the kingdom : As also to revise the Confession of Faith presented to this Assemblie, and after mature deliberation to take order, that the same may be published : And in all these things to do as they will be answerable to God, and the Kings Majestie, and the Church. C.]

#### The new Confession of Faith.

We believe with our hearts and confes with our mouths these Articles of Religion following.

That God is a Spirit immutable, eternal, infinit in power, in wisdom, in goodness and glory ; from whom, be whom, to whom are all things, in whom we live, in whom we have our being ; who is one only God, and three Persons, which are coessential, coeternal, and coequal. The first is the Father, who is of none. The seconnd is the Son, who from all eternity is begotten of the Father. The third is the Holy Ghost, who from all eternity proceedeth from the Father and the Son. This glorious God from all eternity, out of his wisdom and infinit knowledge, decreed all things that were after to be done. This God, before the foundation of the

world was laid, according to the good pleasure of his will, for the praise of the glory of his grace, did predestinat and elect in Christ some men and angels unto eternal felicity ; and others he did appoint for eternal condemnation, according to the counsel of his most free, most just and holy will, and that to the praise and glory of his justice.

In the beginning of time, when God created of nothing all things in heaven and in earth, visibile and invisibile, he made them very good ; and above all things he made man and angels conform to his own image, in righteousness and true holines : but some of the angels of their own free motive sinned against God, left their original, forsook their habitation, and abode not in the truth, and thereby became damned devils.

Then Satan abused the craftie serpent for his instrument, seducing our mother Eva ; she tempted her husband Adam : So both disobeyed the commandment of God, and thereby made themselves and their whole posteritie the bondmen of Satan, slaves of sin, and heirs of eternal damnation.

By this fall of Adam all his posterity are so corrupted, from their conception and nativity, that not one of them can do, or will any thing truely acceptable to God, till they be renewed by the will and Spirit of God, and by faith ingrafted in Jesus Christ.

This our original and native corruption by regeneration in part is weakened and mortified ; yet it is finne indeed remaining in us, alwayes lusting against the Spirit, and tempting us to sin actually, as long as we live.

Albeit all mankind be fallen in Adam ; yet only these who are elected before all time, are in time redeemed, restored, raised, and quickned again, not of themselves, or of their works, lest any man shoulde glory : but only of the mercy of God through faith in Jesus Christ, who of God is made unto us wisdom and righteousness, sanctification and redemption ; that according as it is written, He that glorieth, let him glory in the Lord.

This then is life eternal to know the true God, and whom he hath sent Jesus Christ : whereas vengeance shall be taken on all them that know not God, and do not subiect themselves to the Gospel of the Lord Jesus Christ, by the obedience of faith.

We believe, that the rule of this knowledge, faith, and obedience, yea and of the whole worship of God, and of all christian conversation, is not the wit nor will of man, nor unwritten traditions whatsoever ; but the wisdom and the will of God, which is sufficiently revealed in the Canonical

Scriptures of the Old and New Testament, which are Genesis, Exodus, &c. excludis Apocryphis.

We believe, that the authority of the holy Scriptures is divine ; for they are all of divine inspiration, and have God for their author ; their authority depends upon God, and not upon man ; they have power over all flesh, and no creature has power over them. We are absolutely bound to believe them for their own testimony, which is the testimony of God himself speaking in them ; and our faith dependeth not upon any external testimony of the Kirk witneffing of them. All things necessary to salvacion are contained therein ; all the doctirines of the Kirk must be warranted be them ; all controversies of the Kirk must be decided be them, as the lively and plain voice of God, who is supreme Judge in matters of faith and worship.

We believe, that all points of faith and worship are fo set doun in the Word of God, that what is obscurely proponed in one place, is most clearly exponed in other places ; neither receive we any interpretation of any Scriptures in these matters, which is not warranted be other Scriptures.

These holy writts are delivered be God to his Kirk, to make us wise unto salvacion by faith in Jefus Christ, whose person, office and benefits they most clearly and fully fett furth unto us.

The Lord Jefus Christ is declared in Scripture to be the eternal Son of God, begotten from all eternity of the Father, by whom he created the world, by whom also he does sustaine and govern all things that he has made : And this Eternal Son of God, when the fulnes of time came, was made man of the woman, of the tribe of Judah, and of the seed of David and Abraham, even of the blessed virgin Mary, by the Holy Ghost coming upon her, and the power of the most High overshadowing her, by whose marvellous and divine operation, the Son of God was made man of a human body and foul, and in all things like unto us, sin only excepted ; and yet fo he was made man, that he ceasid not to be God ; and fo is God that he is also man, having both the natures, divine and humane, united together in a personal union ; so that in ane admirable Person the two natures are distinct, and not confounded in respect of their essence, their essential properties, and proper operations.

And because of the union of the nature of man in one person with the Son of God, Christ, God and Man, is to be adored and worshipped of us : for to Christ, God and Man, all power in heaven and earth is given, and

he hath gotten a name above every name, that at the name of Jesus every knee should bow.

The purity of the human nature of Christ is to be ascribed to the supernatural operation of the Holy Ghost, who separated the seed of the woman from the natural corruption, and not to the purity of the virgin Mary his Mother : for she doubtless was conceived and born in sin, and had need of her Son to be her Saviour, as well as other women.

The Lord Jefus Christ, as God and Man, is the Saviour of his Kirk, which is his body ; and the fulnes of him filleth all things ; neither is there salvation in any other thing.

This blessed Lord has fulfilled the whole law for us, to our behove, and in our place, both doing all that the Law requireth of us, and suffering the punishment due to our disobedience, even the curse of the Law, and death of the croſs, whereby the fullfilling of the Law, our redemption was sealed and consummated.

We believe, that as he died for our sin, and rose for our righteousness, so he ascended to heaven, to prepare a place for us, and sitteth at the right hand of God, to make intercession for us, and is able perfectly to save them that come to God by him ; who albeit in his manhood he be so in the heaven, that he is no more in the earth ; for the heavens must contain him, till he come to judge the quick and the dead ; yet in his Godhead he is so present every where, be his power sustaining all things, and be his gracious Spirit directing and governing his Kirk militant upon earth.

We believe, that the Lord Jefus Christ was appointed and anointed of the Father to be the King, and High Priest, and supreme Teacher of his Kirk.

We believe concerning his Prophetalical Office, that he is the only master and teacher of his Kirk, whom God be his own voice from heaven commanded us to hear ; who has revealed the whole will of the Father touching our salvation ; and what he has heard of the Father, he hath made known to us, speaking nothing to his Kirk, which he did not before hear of his Father, that his Kirk might learn to receive nothing in faith and worship, which she has not heard of him.

As concerning his Priestly Office, we believe, that he is our only mediator both of redemption and intercession ; and that, by the sacrifice of himself once offered on the croſs, he has made a full satisfaction for all our sins, and doth continually make intercession for us to God : And, therefore,

we abhor that supposid reiterating of the sacrifice of Christ in the Mass ; and we renunce all kind of intercession of Saints and Angels.

As concerning the Kingdom of Christ, beside his absolute impire, whereby he ruleth all things, we believe him to be our eternal King, and only Head of his Kirk Univerſal : Neither he nor his Kirk hath any need of a Lieutenant Deput in his place ; feeing he is present in his Kirk alwayes be his Spirit, powerfully working therein, calling, collecting, quickning and graciously ruling in her, be the Ministry of the Word and Sacraments, to the confummation of the world.

We believe, that our communion with Christ our Head is ſpiritual, by the Holy Spirit, which dwelleth powerfully both in the body, and in the Head, making the members conform to the Head ; and it is no ways corporal, or by any fleshly receiving of his body.

We believe, that, by vertue of this communion, Christ is ours, and we are Chrifts, and his ſuffering is our ſatisfaction ; and by it we have right, title and interest in all the benefits, which he did promerit and purſe to us by his ſuffering.

We believe, that God juſtifies finners by remitting of their fins, and by imputing to them the righteousnes and obedience of Christ, whereby he fulfilled the whole Law in our place, both in doing the commandments thereof, and in ſuffering the curse thereof, which was due to us becaufe of our diſobedience.

We believe, that that righteousnes, whereby we are juſtified before God, is not inherent in us, but in Jefus Christ ; and that it is freely given to us of Gods free grace, through our faith in Jefus Christ.

We believe, that we are juſtified by faith, as it is an iſtrument apprehending and applying the righteousnes of Christ to us, and not as it is a quality and vertue inherent in us ; ſo that the meritorious caufe of our juſtification is not in the faith which apprehendeth, but in the righteousnes of Christ be faith apprehended.

We believe, that albeit we be not juſtified by good works before God, and can merit nothing at Gods hand ; yet they are the way to the Kingdom of God, and are of neceſſity to be done for obedience to God, for glorifying of his name, for confirming ouरſelves anent our election, and for good example to others : and conſtantly we affirme, that faith, which bringeth not furth good works, is dead, and availeth nothing to juſtification or ſalvation.

We believe, that the elect being renewed, are sealed with the Holy Spirit of promise, in such sort, that albeit they bear about in their flesh the remnants of that original corruption, and albeit they offend through infirmity, and through the intemperances thereof sin grievously to the great offence of God: yet they cannot altogether fall from grace, but are raised again through the mercy of God, and kept to salvation.

Concerning the certainty of our salvation, we believe, that every one of us in particular ought to be fully persuaded thereof, giving credit both to the external promise of the Word, and internal witness of the Spirit. And as for the doubtings thereof, which we often find in ourselves, we doe not allow; but contrariwise damne them, as the fruits of the flesh fighting against our faith.

We believe, that God has appointed his Word and Sacraments, as instruments of the Holy Ghost to work and confirm faith in man.

We believe, that the Word of God ought to be preached and the Sacraments administered, and all divine service, as praying and praising, in all languages known and understood by the people.

We believe, that the Sacraments are certain visible seals of Gods eternal covenant, ordained by God to represent unto us Christ crucified, and to seal up our spiritual communion with him.

We believe, that the Sacraments are to be ministered only by them, who are lawfully called thereto be the Kirk of God.

We believe, that the Sacraments have power to confirm faith, and confer grace, not of themselves, or ex opere operato, or force of the external action; but only by the powerfull operation of the Holy Ghost.

We believe, that there be only two Sacraments, appointed by Christ under the New Testament, Baptisme, and the Lords Supper.

We believe, that Baptisme is necessary to salvation, if it can be orderly had: and that, therfor, not the want of it, but the contempt of it doth damne.

We believe, that Baptisme fealeth up unto us the remission of all our sins, whereof we are guilty, either before or after our baptism.

We believe, that Baptisme is to be ministered simply in the element of water, with the rite of dipping, washing, or sprinkling, in the name of the Father, Son, and Holy Ghost, according to Christs institution, without other elements or sacramental rites devised by men.

We believe, that the Lords Supper is to be given to all communicants, under the elements of bread and wine, according to Christs institution.

We believe, that the elements of bread and wine in the Lords Supper, are not transubstantiated, or changed in the substance of the body and blood of Christ; but that they are sacraments of his body and blood, thus changing their use, but not their substance.

We believe, that the body and blood of Jesus Christ are truly present in the holy Supper, that they are truly exhibit unto us; and that we in very truth doe participat of them, albeit only spirittually and by faith, not carnally or corporally.

We believe, that the Lords Supper is a commemoration of the sacrifice of Christ, which once offered did fully expiat our sins. With his one sacrifice, once offered, we are all fully content, neither doe we seek any other expiatory or propitiatory sacrifice. But as for sacrifices of praise and thanksgivings, the sacrifice of a contrite heart, almes and charitable deeds, these we ought daily to offer, as acceptable to God in Christ Jesus.

We believe, that the sacrifice and merit of Christ is not applyed to us, by the work of a sacrificing Massie Priest; but by that faith, which is wrought in our soules by the Holy Ghost, whereby the sacrifice and merit of Christ is applyed to us; and being applyed to us becometh our satisfaction, attencion and merit.

We believe, that soules of Gods children, which depart out of this life in the faith of Jesus Christ, after the separating from their bodies, immediately passe into heaven, and there rest from their labours untill the day of judgement, at which time they shall be reunited with their bodies, and enjoy life everlasting with Christ: Likeas the soules of the wicked immediately passe to hell, there to remain till the day of judgment, which day, being conjoined with their bodies, they shall sustaine the judgment of everlasting fire: and besides these two, a third place for soules we doe not acknowledge.

We believe, that there is an holy catholick or univerſal Kirk, which is the holy company of all theſe, who, according to the purpoſe of Gods eternal elecſion, ſince the beginning of the world, were called, and, to the end of the world, ſhall be called to the Kingdom of Christ, and to the communion of eternal life in him.

We believe, that the true members of his Kirk are only the faithfull, who are choſen to life everlasting.

This Kirk we believe to be but one, and that out of it there is no remission of sins to salvation.

We believe, that this Kirk is partly triumphant in heaven, partly militant on earth. The whole militant Kirk on earth is divided in many and diverse and particular Kirks, which are visible and conspicuous to the eyes of men.

We believe not, that all these particular Kirks on earth are pure, but these only which continue in the doctrine of the Prophets and Apostles, according to the holy canonical Scripture, worshipping God purely, and ministering the Sacraments according to the same. And these be the true marks, whereby a true visible Kirk on earth may be discerned and known.

As concerning the worship of God, we confess and affirm, that all religious worship and service is only to be given to God, as his proper due and glory, which he will communicat to no other; believing firmly, that God is to be worshipped only according to his own will, revealed in his Word.

And, therfor, we abhorre all will worship, all invocation of Saints or Angels, all worshipping of images, crucifixes, relicts, and all other things which are beside the true God.

We believe and confess, that God hath ordained Kings, Princes, and Magistrats, for the good of Commonwealth, for the better governing in the Kirk, and to be nurse fathers of the same: And, therfor, that all their subjects are bound in duty to obey them in all things they command lawfully, not repugnant to the will of God; and that they are obliged to pray for them daily, that under them they may lead a godly and peaceable life.

We believe and constantly affirm, that the Kirk of Scotland, through the abundant grace of our Lord, is one of the most pure Kirks under heaven this day, both in respect of truth in doctrine, and purity in worship: and, therfor, with all our hearts we adjoyn ourselves thereto, and to the religion publickly professed therein by the Kings Majesty, and all his true subjects, and authorized by his Majesties laws; promising be the grace of God to continue therein to the end of our life, according to all the articles which are here sett doun: Which as we believe with our hearts, so we confess with our mouthes, and subscribe with our hands; understanding them plainly as they are here conceived, without equivocation or mental reservation whatsoever. So may God help us in the great day of Judgment.

A. D. MD.CXVII.

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[The General Assembly was indited by open proclamation, and found of trumpet at the Mercat Crofs of Edinburgh, upon the 4th of November 1617, to be holden at Sanct Andrewes the 25th day of that fame month.

The Erle of Montrofe was appointed be the King to be his Commisioner ; but excused himself with sicknes by a letter sent to the Counfell four or five dayes before the time appointed for the Assembly. The Counfell sent the copy of the letter to the Bisshop of Sanct Andrewes. The Bisshop returned anwer, that the Kings service must not be neglecedt. So the Lords of the Secret Counfell gave commision to my Lord Binning Secretar, my Lord Carnegie, my Lord Kilsyth, the Lord Advocat, and the Treasurer Deputy, conjunctly, or to any three of them, to suply his place.

After the reading of the Kings letter, wherein he willed them to conform to his desire, otherways declared he would use his own authority ; the brethren of the Conference were chosен. There was some reasoning ; but the King and Bisbops purpoe was withstood, both in the Privy Conference and in the publick Assembly. The Bisshop desired that some brethren might be appointed to consider what should be granted to give his Majestys satissfaction. Mr Patrick Galloway and four others were appointed for this purpoe. They devysed thefe overtures following.

If any good Christian, visitid with long sicknes, and known to the Paflor, by reasoun of his present infirmitie, unable to refort to the Church, for

receiving of the holy Communion ; or being sick shall declare to the Pastor upon his conscience, that he thinks his sicknes to be deadly, shall earnestly desire to receive the same in his houſe, the Minister ſhall not deny the fame; fo as lawful warning be given to him, at the leaſt twentie hours before, and that there be fix perſons at leaſt of good religion and conuerſation, free of lawful impediment, preſent with the ſick perſon to receive ; who muſt alſo provide a convenient place in his houſe, and all things neceſſarie for the Ministers reverent administration thereof, according to the order preſcribed in the Church.

To remeēd the irreverent behaviour of the vulgar ſort, in receiving the holy Communion, it is found meet by this Affembly, that the minister himſelf ſhall in the celebraſion give the elements out of his own hand to every one of the Communicants, ſaying, when he giveth the bread, Take, eat, this is the bodie of the Lord Jefus Christ which was broken for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And when he giveth the cup, Drink, this is the blood of Jefus Christ ſhed for you ; do this in remembrance of him : and that the Minister exhort them to be thankful. And to the end the Minister may give the fame the more commodiouſly, he is by advife of the Magiftrates, and honeſt men of his Seſſion, to prepare a table, at the which the fame may be conveniently miniftred, and gravely to exhort his people, that they communicaſ reverently, and ſhew a humble and religious behaviour in the receiving of the fame.

Anent the remenant of the Articles proponed to the Affembly, the Affembly after long reaſoning, in ſpecial anent preaching upon the dayes of the Nativity, Paſſion, Reſurrecſtion, Aſcenſion of our Lord, and deſcending of the Holy Spirit, having conſidered, that a great number of Commiſſioners from Synods, Burrowes, and Gentlemen, in reſpect of the feaſon of the year, diſtance of the place, and ſhortneſs of the advertisement, would not be preſent ; and that the moft part of thoſe who were affembled, are not reſolved fully in ſome of theſe points proponed ; and that they are in all loyaltie and obedience moft willing to give his Maſteſty all ſatisfaction, and have agreed and promiſed to inform themſelves anent the ſaid Articles, wheroft they preſently ſtand in doubt, and to inſtruict their people, elders and paſhioners by all means, that all offence, which may be taken, may be removed, have thought good, that (beſide the two points, which are con-

cluded, especially to give remonstrance to his Majesty of their most willing affection) the rest of the said Articles shall be continued to the next Assembly; and to that effect, that a most humble supplication may be directed by his Majestys Commissioners, and the General Assembly, that it may please his Majestie of his gracious favour to grant a continuation, and to convocat an Assembly for decision of the matters, at such commodious times as his Majesty shall think expedient.

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A. D. MD.CXVIII.

The General Assembly holden at Perth the 25 of August 1618 :  
Where, for obedience to His Majesties Proclamation, and particular Missiues, the following perfons conveened.\*

His Majesties Commissioners, My Lord Banning Secretary, Lord Scoone, Lord Carnegie ; their Assessors, Sir Gideon Murray, Treasurer Deput, Sir Andrew Kerr of Fernihirst, Captain of the Guard, Sir William Olyphant, the Kings Advocat, and Sir William Livingfoun of Kilsyth : Noblemen, the Erle of Lothian, Lord Vehiltrie, Lord Sanquhar, Lord Boyd : Barones, Wauchtoun, Lutquharn, Glenurquhart younger, Clunie-Gordoun, Bonytoun-Wood, Weemes, Balvaird, Balconie, Balcarras, Balmanno, Bombie, Blackbarrourie, Lagg : Burgesses, for Edinburgh, David Aikenhead, George Foules ; for Perth, James Aedie, Constan[t] Malice ; for Dundie, Mr Alexander Wedderburn younger, Robert Clayhills ; for Aberdeen, Mr John Mortimer ; for Stirline, Christopher Alexander ; for Sanct Andrews, John Knox, Thomas Lentron ; for the Univerfitie of Sanct Andrews, Doctor Bruce ; Bishops, all except Argile and Isles ; Ministers, Commissioners from Presbytries.

In the morning, Patrick Bishop of Aberdeen preached a sermon upon Ezra vii. 23. Whatsoever is commanded by the God of heaven, let it be diligently done for the house of the God of heaven : for why should there be wrath against the realm of the king and his sons. The other sermon at

\* The proceedings of this Assembly have been taken from Bishop Lindsay's "True Narration," &c. ; and from Calderwood's "Perth Assembly," and his printed and manuscript Histories.

ten hours was preached be John Archbisshop of Sanct Andrewes, in the Little Church, on 1 Cor. xi. 16. But if any man seem to be contentious, we have no such custom, neither the churches of God.

The Sermon ended, the Archbisshop of Sanct Andrewes came to the Table, at which his Majesties Commissioners, Noblemen, and other members of the Asssembly, were sitting, and placed himself at the head of the table, in the Moderators chair beside his Majesties Commissioner.

After prayer, the Archbisshop calling for the ordinarie Clerke of the Asssembly, was answered, That Master Thomas Nicholson, who formerly served the Church in that place, had demitted his office in favour of Master James Sandelands Aduocate: This he notified to the Asssembly, as that which he had vnderstood before, and shewed that the faid Master James was a man sufficiently qualified for the place, of good report, and one that by his education and pleading might further the particular busynesse of Ministers before the Sessyon. He desired the Asssembly to consider what was fitteſt to bee done, and aduise whether they would receiue the faid Master James in the others place or not: The voyces of his Maiefsties Commissioners, the Noblemen, Biſhops, and diuers of the Ministers being asked, they all without exception agreed to his receiving. And the faid Master James being recalled (for while the voyces were asked, he was remoued) had an oath ministred vnto him, for his diligent and faithful diſcharge of that ſeruice.

The faid Master James Sandelands being admitted, command was giuen to all that had intereſſe in the faid Asssembly, to giue in their commiſſions to him before the next ſitting; and nomination was made of certayn for the Conference, according to the order kept in other Assemblyes; in which beſides the Biſhops, Noblemen, Barons, and Commissioners of Burrowes, the moſt wiſe and learned of the Miniftrie were named indifferently, without any reſpect had of their opinions and priuate inclinations.

At this time it was moned by Mr George Grier, Minister at Hadingtoun, That the libertie of the Church might bee kept in the chooſing of a Moderator; which the Archbisshop of Sanct Andrewes repreſſed, faying to the proponer, That he did not expeſt him to be a troublor of the Church, and the busynesse thereof; and that the Assembly was met within the bounds of his charge, wherein fo long as he ſerved, he truſted none would uſurp; at which he kept silence: and freight wayes aroſe another, who asked whether all the Noblemen and Barons preſent ſhould have voyce, or

not, and if the whole Ministers that were met there, should haue voyces also : The Archbishop of Sanct Andrewes answered, that the order obserued in former Assemblies shoud here be kept, and no Ministers have voyce that lacked a commission : But as for Noblemen, and Barons who were come thither vpon his Majesties mislues, he trusted none there would denie them voyce, specially fince in the Assembly that proceeded at Sanct Andrewes, it was one of the reas ons they made for differing the conclusions of matters, That none of the Noblemen, or Barons were then present to affist the proceedings of the Church.

It was desired also, that the Articles to bee entreated, might bee extend ed in such forme, as his Maiestie defred them to passe, and that some might be fet apart to collect the reasons that should be propounded, for, or against the Articles, that the whole Assembly might have the clearer information. To this it was answered, that the Conference was to consider of these things, and what might serue best to prepare matters for the whole Assembly.

The Archbishop commanded his Majesties letter which was presented by Doctor Young Deane of Winchester, and directed to the Assembly, to be publickely read : The Tenor whereof followeth.

James Rex,

Right reverend Fathers in God, Right trustie Coulins, and Counfellors, and others our trustie and welbeloued subiects, We greet you well : Wee were once fully resolued, neuer in our time, to haue called any moe Assemblies there, for ordering things concerning the policie of the Church, by reason of the disgrace offered vnto Us in that late meeting at Sanct Andrewes, wherein Our just and godly desires were not onely negleced, but some of the Articles concluded in that scornfull and ridiculous forme, as we wsh they had been refused rather with the rest : Althongh at this time We suffered ourfelse to be intreated by you our Bishops, for a new Conuocation, and have called you together, who are now conuened for the felse same businesse which then was vrged ; hoping alluredly, that you will haue some better regard of our desires, and not permit the unruly and ignorant multitude, after their wonted custome, to ouersway the better and more judicious fort ; an euill which we have gone about with much paines to haue amended in these Assemblies, and for which purpose according to Gods ordinance, and the constant practise of all well gouerned Churches in all ages, Wee have placed you that are Bishops and ouerseers of the rest in the

chiefest roomes. You plead much, Wee perceiue, to haue matters done by consent of the Minifters, and tell Us often, that what concernes the Church in generall, shoulde be concluded by the aduise of the whole, neither doe Wee altogether dislike your purpose : for the greater consent there is amongst your felues, the greater is Our contentment. But Wee will not have you to thinke, that matters proponed by Us of that nature, whereof these Articles are, may not without such a generall consent be enjoyned by Our authoritie : This were a misknowing of your places, and withall a disclayming of that innate power, which We haue by our calling from God, by the which We haue place to dispose of things exterrnall in the Church, as We shall thinke them to be conuenient, and profitable for aduancing true Religion amongst our Subiects. Therefore let it be your care by all manner of wise and discreete perswasions to induce them to an obedient yeelding vnto these things, as in dutie both to God, and Vs, they are bound : And doe not thinke, that We will be satissified with refusals, or delayes, or mitigations ; and We know not what other shifts have beene proponed : for Wee will content Ourselues with nothing, but with a simple and direct acceptance of these Articles in the forme by Vs sent vnto you, now a long time past ; considering both the lawfullnesse, and vndeniable conueniencie of them for the better furthering of pietie and religion amongst you. And it shoulde have rather becommed you, to have begged the establisshement of such things of Vs, then that Wee shoulde thus neede to be put to vrge the practise of them vpon you. These matters indeede concerneth you of the Ecclesiasticall charge chiefly. Neyther would Wee haue called Noblemen, Barons, and others of our good Subiects, to the determining of them, but that Wee understand, the offence of our people hath beene so much obiected ; wherein you must beare with Vs to say, That no Kingdome doth breed, or hath at this time, more louing, dutifull, and obedient subiects, then Wee haue in that our native Kingdome of Scotland ; and so if any disposition hath appeared to the contrarie, in any of them, the same We hold to have proceeded from amongst you : Albeit of all sorts of men, yee are they, that both of duetie were bound, and by particular benefits obliged, to have continued yourselues, and by your found doctrine and exemplarie life, kept others in a reuerend obedience to our commandements. What, and how many abuses were offered Vs by many of the Miniftrie there, before our happie comming to this Crowne, though we can hardly quite forget, yet We little like to remember. Neither thinke We, that any Prince

liuing could haue kept him selfe from falling in vtter dislike with the Profession it selfe, considering the many prouocations that were giuen vnto Vs; but the loue of God and his truth stll vpheld Vs; and will by his grace so doe vnto the end of our life: Our patience alwayes in forgetting, and forgiuing many faults of that fort, and constant maintaining of true Religion against the aduersaries (by whose hatefull practises We liue in greater perill then you all, or any one of you,) shoud haue produced better effects amongst you, then continuall resistance of our best purposes. Wee wish Wee be not further prouoked, and Gods truth, which you profess, of obedience vnto Principalities and Powers, bee no longer neglected, and flandered by such as, vnder the cloake of seeming holinesse, walk vnruyl amongst you, shaking hands as it were, and ioyning in this their disobeience vnto Magistracie, with the vholders of Poperie. Wherefore, our heartie desire is, that at this time you make the World fee by your proceedings, what a dutifull respect and obedience you owe to Vs, your Soueraigne Prince, and naturall King and Lord; that as Wee in loue and care are neuer wanting vnto you, so you in an humble submision vnto our so just demands, be not found inferiour to others our subiects in any of our Kingdomes; and that the care and zeale of the good of Gods Church, and of the advancing of Piety, and Truth, doth chiefly incite Vs to the following of these matters; God is our Witnesse: The which, that it may be before your eyes, and that according to your callings you may faine in your particular places, and in this Generall Meeting, to do these things which may best serue to the promouing of the Gospel of Christ, enen our prayers are earnestly vnto God for you: Requiring you in this and other things to credit the bearer hereof, our trullie Seruant and Chaplaine, the Deane of Winchester, whom We have expressly sent thither, that he may bring vnto Vs a true relation of the particular carriages of all matters, and of the happie euent of your Meeting, which by Gods blessing (who is the God of Order, Peace and Truth) Wee doe certainly expect; vnto whose gracious direction Wee commend you now and for euer.

Giuen at Theobalds, the 10 Julij 1618.

This Letter being once read, and again: The Archbishop protested that neither he, nor the Kirk of England had craved these novations, nor given counsele thereanent, and it was against his will that ever they were mentioned; yet that now he is perfwaded, that his Majestie will be more glade

of the consent of this Assembly to the five Articles, than of all the gold of India.

The Archbisshop then desired Doctor Young to speake, if so hee had any thing to say for secondeing the Letter, whereof he was Meffenger. And his words were these that follows.

Most Honorable, most Reverend, right Worlhipfull, and dearly beloued : It might well become me, according to the example of Elihu in the Historie of Job, in presence of so wise, so graue, so religious, and learned an Assembly, to wait in silence till the more ancient in years had spoken : but that I know that the Souereigne Maiestie of our gracious Lord and Master the King, who hath regarded so much the lowlineffe of his seruant, as to fende me vnto you at this time, to be the mesfenger of his will and pleasure, now openly read in your ears, will procure attention vnto a few words, which shall be vttered with the vprightneffe and sincerite of a heart wholy deuoted, as vnto the glory of God, and honour of our great Master the King ; so to the happy, free, and flourishing estate of this Church and Kingdome, vnto which I am tyed by so many strong bands ; that Moses the friend of God, and Paul that chosfen vessell of Christ, who are recorded in the holy Scriptures to haue exceeded in their affection to the people of Israel, their deare countreymen, did not in that owe more vnto them, then that which you all wel know I owe vnto you ; and would to God I were as able to pay so iuft a debt, as I am, and euer shall be most ready and willing to acknowledge it ; *Hic amor meus pondus meum* : for from this loue and dutie I owe vnto this place of my first and seconnd birth, (God hee best knowes) how the sorrowes of my heart haue bin inlarged, since the time of the last Generall Assembly at Saint Andrewes, to hear such words of indignation and just displeasure, so often to proceed out of the mouth of so good and so gracious a Prince, like Moses the meekest man vpon the face of the earth : *Sed verendum etiam atque etiam quo exeat patientia tam faepe laesa* : Words spoken against theſe that are called to be Ministers, Embaffadors of peace, and patternes of pietie and obedience ; vttered in the ears of them, who labour indeed, as it becometh so loyall and louing ſubiects, by their humble and dutifull obedience vnto his ſacred Maiestie, to ouſtrip thoſe that went before them ; and albeit they haue the laſt, yet not to haue the leaſt portion in our Davids loue. But as then with all good and well affeſted men I much grieued, ſo now I heartily rejoyce and praife God, that

notwithstanding of all that is past, I haue liued to see this day a Generall Synod once more of the Church of Scotland, called by the authority and exprefse command and pleasure of our Souereigne Lord the King, which is the only true and best meanes indeed, vfed in all ages for extirpating of all Sects, Errors, and Heresies, and for the planting of truth, and good order in the Church of Christ. And I pray God, that all things at this meeting may, by the direction of Gods good Spirit, and by your Wifdomes, be so carriedyed, that you abridge not your felues and posterity of so great a blesſing, and procure that not only these things which are now required, but that other things more difficult bee injoyned and enforced vpon you, vpon ſtrict penaltie by Supreme Authority. And therefore I deſire (as I am ſent to that purpoſe) with the Apostle Titus 3. to put you in remembrance, that you bee ſubiect to Principalities and Powers, and that you bee obedient, and ready to euery good worke : to put you in remembrance, that, by the great bleſſing of Almighty God, you haue to doe with ſo wife, ſo potent, ſo religious, ſo learned a Prince, the matchleſſe mirror of all Kings, the nursing Father of his Churc̄h ; that he whose wiſdome and authoritie is, in the compoling of all diſſerences both Ecclesiatical and Ciuital, ſo much required, reſpected, and admired, not only by his own people of his other Kingdoms, but by all good Christians of forrein Nations throughout the Christian world, may not ſeeeme to be neglec̄ted by you his native ſubiects at home ; and you eſpecially of the Minifterie, who ought to be examples and patternes of obedience vnto others, you whom he hath ſo infinitely obligeſ by his ſo great bountie and conſtant loue : To put you in remembrance, that as with no ſmall diſreputatiōn vnto his Maieftie, and diminution as it were of his princely authoritie, in the iudgment and fight of the world, whose eyes are bent vpon theſe proceedings, he hath granted you ſo long time, by your Chriſtian and godly endeouours with your fevrall flockes (whom you are to leade, and not to be led by them) to remoue (as you promifeſ both to his Maieftie being here amongſt you, and againe confirmed at your laſt Generall Synod,) all thoſe ſcandals, which might be taken by the more ignorant and vnaudited fort of your people, to whom all innouatiōns, though to the better, may ſeeeme at the firſt ſomewhat ſtrange : ſo that now you would bee carefull, as much as in you lyeth, to take away that more dangerous and open offence and ſcandal, which by your delay, and refuſall of obedience, you shall caſt vpon the ſacred perſon of our Souereigne Lord the King, the moſt conſtant and zealous Protec̄tor and Defenſer of that Faith and Truth, which wee all profeſſe, and for the which

he hath suffered such open gainesaying of the aduerfaries thereof, the limbes of Antichrist; as if hee, who hath laboured so much to exalt the glorie of this Nation farre aboue all his predeceſſours in the eyes of the World, now going about most of all to humble vs vnto our God, and in the performance of the Act of greateſt deuotion, according to his owne example, to bring vs vnto our knees, did in ſo doing any way vrge his ſubiects to any thing, which might ſauour of Superiſtition or Idolatrie: To remoue the ſcandall from thoſe who are in authority amonſt you, and are fet ouer you in the Lord, who by their dutiſfull obedience vnto God, and their Soueraigne, haue alreadie, both by their doctrine and praćtice, commended thoſe things, which now are required of you, to be both lawfull and expedient: To take away that ſcandall and asperſion, which by the ſeeming reaſons of your former refuſal, or delay, you haue caſt vpon others ſo glorious reformed Churches, as if the Holy Ghoſt, and Spirit of reformation had beene giuen onely to, and ſolely refledt vpon you: To remoue that notorious and publicke ſcandall, which by the fierie and turbulent ſpirits of ſome few priuate men, lyeth heavie vpon the feruent and zealous Profeffours of the glorious Gofpel of Chriſt, as if they alſo were diſobedient vnto Magiftracie, and in this did ſeeme to ioyne hands with the maine vpholders and pillars of Po-  
perie. It hath wounded the ſpirits of good men to hear it often ſpoken, Nec dicatur (utinam amplius) Gathi, et in plateis Aſkelonis; nay to fee it in print, that Herod and Pilate were now reconciled again, if not contra Chriſtum Dominum, yet contra Chriſtum Domini: Laſtly, to preuent that lamentable miserie and calamitie, which God in his justice might bring vpon this Church, in that you regarded not the bleſſed time of your viſitation, and diſpiled the long ſuffering and great goodneſſe of God, and of ſo boun-  
tiſfull and gracious a Soueraigne. And ſo to conclude, (for to ſtand now upon particulars were but aetum agere, and you need no gleanings after ſo plentiſfull an harveſt, or the light of a candle being inlightned by the cleare beames of the funne,) with that of Naamans feruants, 2 Kings 5. vnto their Lord and Maſter: Father, if the Prophet had commanded thee a greater matter, ſhouleſt thou not haue done it? &c. So, right reuerend Fathers and Brethren in Chriſt, if our moft gracious Soueraigne Lord, who hath done ſo much for you, had commanded you greater things, ſo long as they might ſtand with the will of God, and in no waies be repugnant vnto the fame, (for in that caſe indeed, the Apoftles rule holds inviolably true, ἐει πειλαρχειν οὐκ μαλλον η αὐθηπωτος, that we muſt rather obey God, then men) ſhould you

not haue beene readie yourselues, and by your doctrine and practise haue induced others to obedience ? much more then, when he requireth of you but these few necessarie things, necessary and expedient for the glorie of God, for the aduancing of pietie amongst you ; for the honour and due satiffaction vnto our Soueraigne Lord the King ; for the happy establishing of order, peace, vnion, and loue amongst your selues, and in these vnted Kingdomes. Therefore let me beseech you in the bowels of Christ to gue all their due, Quæ Cæfaris, Cæsari, quæ Dei, Deo. And as Constantine the Great (as Eusebius hath it) wrote vnto his Churchmen, that troubled his peace and other weightie affaires, with their contentious humours ; so let me intreat you in the behalfe of our Constantine, Qui dum rogat, jubet : Date illi dies tranquillos, et noctes curæ et molestiarum expertes ; that so he may with much ioy and contentment of heart, yet once more, as he proposeth, if not often, visit your coasts, and those places which his soule loueth ; and that this poore Church, and his natvie Kingdome, may be made euer more and more happie by his comming, and long, peaceable, and prosperous reigne : And God and men fay Amen vnto it. Amen : Amen.

The Ministers defenders of the established order, required four things.

1. That none be admitted to vote, but such as were authorized by lawful Commission. The Archbisshop answered, his Majesty had written to Noblemen and Barrones, willing them to be present at this Assembly : If any man had any exception against them, they should be heard. It was replied, that they were not to except against their honorable persons or presence ; but earnestly to crave, that the order of the Church might be obferved, whereby it is prouided, that without Commission none have place to vote in General Assemblies.

2. That the libertie of the Church be not broken in the election of the Moderator, and that a lawful leet be made to that effect. It was answered by the Archbisshop, that this Assembly is convocat within the bounds of his Diocie ; he would understand, who would take his place over his head.

3. That the Articles, proponed in short and general summes, might be put in forme, and amply extended, as his Majesty would have them enacted, that they be the better advised on and confidered. The Archbisshop answered, let alone these toyes, trouble us not with needless questions ; we shall speake of these things in the Privie Conference.

4. That some of either opinion may be set apart to collect, and put in order the reasons of either side, for the more sure and easie information of the Assembly. The Archbishop rejected this also, as impertinent.

The Archbishop proceeded to the nomination of the Privie Conference, before that the Clerk had received the Commissions.

There was chosen to be upon the Privie Conference, the Kings Commissioners, and Assessors, the Erle of Lothian, the Lord Ochiltrey, the Lord Sanchar, the Lord Boyd: Barons Waughton, Weymes, Balcolmie, Bogie, Clunie, Glenvrquhart, Balcarras, Lagge, Balmanno, Bonintoun: Ministers, Mr Patrick Galloway, Mr Henry Blyth, Mr John Weymes, Mr George Grier, Mr John Carmichael, Mr William Scott, Mr Alexander Gladestanes Archdean of Sanct Andrewes, Doctor Philip, Doctor Strang, Doctor Bruce, Mr John Hay Parfon of Ranfrew, Mr Thomas Muirhead, Mr Michael Wallace, Mr Thomas Ramsay, Mr James Knox, Mr Robert Henrison, Mr John Guthrie, Mr John Malcolm, Doctor Forbes, Mr George Dowglas, Mr Patrick Dumbar, Mr James Bishop, Mr George Chalmers, Mr James Simson, Mr Robert Sommer, Mr David Lindsay, Mr David Monro, Mr Archbald Moncrieff, Mr James Burdoun, Mr John Mackenzie, Mr John Mitchelson, Mr Patrick Shaw, Mr James Hammilton Dean of Glasgow, Doctor Hammilton: The Commissioners of Edinburgh, Perth, Dundie, Aberdeen, Glasgow: And all the Bishops.

After the faid nomination, the Conference was appointed to conveen at three afternoon; and the Assembly at eight hours to-morrow morning.

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[Tuesday at afternoone.]

The Conference conveened at three afternoon. After Prayer, the Kings Letter was read againe. Then the Archbishop requested them to consider, by what means matters might most easily be brought vnto a point. He said that there appeared but two wayes: One whereof was by disputing the Articles, which was likely to consume a long time, and breed irritation, rather than any contentment else: The other was by a calme and wise consultation to consider how the faid Articles might be received in all the Churches with least offence, and conclude the same; specially since they

had promised in the last Assembly to resolute themselues and others, of the equitie of the points required ; and which they like best, he desires them to choofe.

He affirmed, that four Articles were already concluded in the Assemblies holden last at Aberdeen, and Sanct Andrewes, howbeit not in forme as his Majestie required ; and that kneeling only refeted to be consented to. To prove his allegiance, a minute was read, containing the points conferred on at the places forefaid, and no farther evidence was produced. He added that his Highnes altogether refused the cautions and conditions added by the said Assemblies, as frustrations of his intention. He affirmed his Majestie was still offended at the Assembly holden at Sanct Andrewes : for removing of that offence, he would have had the Article of kneeling put to voting in the Conference without reaoning.

The greater part esteeming, that such as were contrary minded, would never receive satisfaction, vntill matters were first reaoned ; and that it should bring a sore imputation vpon the Assembly to conclude any thing, which had not been first debated by arguments, vrged the disputing of the Articles, which was of the rest condescended vnto. Then it being proposed, if they would take the said Articles in order, or beginne with the most controverted, they agreed vuniformly to treat of kneeling at the receiing of the holy Sacrament in the first place, hoping that satisfaction being giuen in that Article, the leffe scruple should be made to the rest.

So according to the order, two were named to dispnte that Article, to wit, Doctor Henrie Philip and Doctor William Forbes for the one side ; and Master William Scot and Master John Carmichael for the other : These two last named, after a graue protestation made of their unwillingnesse to be heard oppoling to any matter, for the which his Maiestie seemed so earnest, excused themselves by the necessitie of the commandment, and their owne resolutions, which they held to bee well grounded, wishing that no offence might be taken at their speeches, which they shoulde be carefull of, and say nothing but with that reverence which become them in so honourable an hearing. And then adding, that the contrary order had beeene long kept in this Church with great profit, and the comfort of many good Christians : if now any would preasse to abolish that which had been in force, and draw in things not yet received, they bee holden to prooue, eyther that the things vrged were necessary and expedient for our Church ; or the order hitherto kept, not meet to be retained. And for this purpose

they alleadged a passage of Master Hooker, in his Preface before the Bookes of Ecclesiasticall Policie, wherein hee craues, that such as seeke the reformation of Orders Ecclesiasticall in the Church of England, shoule content themselfes with the opponents part, and be subiect to prooue these two things mentioned. It was replyed, that the difference of their case and ours was great: for there a few priuate men desir'd the Laws publickely established to bee inuerted, and it was good reason, that such shoulde bee put to their confirmation of what they propouned: but heere the Prince, that by himselfe had power to reforme such things as were amisse in the outward policie, required to haue the change made: and therefore it concerned them to bring reasons, why his Maiesties propositions ought not to bee granted. This they declined for a great while, still protesting the reverence they beare to his Maiesties commandments; and without mentioning that which they would not oppole in Theli, they wifhed this question to be reaſoned: Whether kneeling, or fitting at the Communion were the fitter gesture.

It was answered, that the question could bee no other wayes propouned then thus: His Maiestie desires our gesture of fitting at the Communion to be changed into kneeling: Why ought not the same to be done? If it could bee shewed by the Word, or by any necessary consequent deduced out of the same, that his alteration craued, ought not to bee granted, because impious or vnlawfull, that shoulde be enough humbly to decline the desire: and if otherwayes they could bring no argument to the contrary, a necessitie lay vpon vs to obey.

An houre or more was spent in such speeches, they declining still to giue any argument, and offering themselfes to answere such reasons, as any man would propone for the alteration desired: whereupon the Archbisshop of Saint Andrewes said, that if none would reaſon, he would put the Articles to voyces.

Then they propouned, that reaſoning shoulde bee publicke, and in face of the whole Assembly: It was replyed, that nothing shoulde be in Conference concluded to the preiudice of the Assembly; alwayes matters must first be brought to ſome point in the Conference, and thereafter propouned to the whole number, who ſhould be heard to reaſon of new, if he liſted.

Hereupon they refolued to fall into diſpute, and firſt, Master John Carmichael brought an argument from the cuftome and practice of the Churc̄ of Scotland, which had beene long obſerved, and ought not to be altered,

except the inconuenience of the present order were shewed, and the desired gesture qualified to bee better. It was answere, that howeuer the argument held good against the motions of priuat men, yet his Maiestie requiring the practise to be changed, matters behoued to admit a new consideracion ; and that because it was the Prince his priuiledge, that had the conseruation and custodie, as well of the Church, as of the Commonwealth, to call in question Cnustomes and Statutes which he perceiued to breed any inconuenience in the state, euen by himselfe, it could not bee denyed, that in a Church Assembly, such as that was, his Maiestie might lawfully craue an innouation of any Church Rite, which bee esteemed not to be conuenient for the time.

From this argument, they went to another of Christ and the Disciples sitting at the first institution ; in discussing whereof, they were brought to acknowledge the gesture not to bee of the essence of the Sacrament, but alterable at the discretion of the Church : Only they held the custome formerly received to bee the better.

This was the proceeding of the first Conference, wherein because matters could not be brought to any point, continuation was made to the morrow after, and they warned to meete again at eight of the cloke in the morning.

Wednesday the 26 of August.

The Conference being met as was appointed, after invocation of the Name of God, the Reafoners were desired to proceed where they had left the night before, and not to trifflle time with speeces of small consequence. The reaoning continued from eight vnto eleuen of the cloke. And when the whole reasons proponed by the two forenamed, were in the judgement of all men satifified ; others were required, and had place giuen them to propone their arguments also, which was done in good order, and with such modestie as could be wished.

The Archbishop desired these of the Conference, to give their iudgement in the matter reasoned. They opponed, that the custome was not to vote in Conference any matter, before it were brought to the full Assembly ; but it was proued otherwise by these who had frequented the Assemblies, both of old and in the latter times ; as likewise it was told them, that these

Conferences resembled the meeting of the Lords of Articles in Parliament, where matters are accustomed to bee prepared and put in order, before they bee proponed to the whole State: and that the voting in Conference was by way of aduice onely, and not to determine; the power whereof belonged onely to the Assembly. This being acknowledged by the whole number to bee so, they offered that were present, to giue their owne iudgement without preiudging the Assembly; as accordingly they did: The whole number, some ten or eleuen excepted, declaring that by the reasons proponed, or any thing else they conceiued, they could not deny, but a change might bee made of the gesture in receiuing the holy Sacrament; and that it seemed conuenient for the Church to embrace the Article proponed by his Maiefie about kneeling, in regard of his desire and refolition to haue the same forme here establisched.

After the aduice concluded to bee giuen to the Assembly in this point, it was thought meet, that the Article prefently reasoned, with the other Articles proponed by his Maiefie, shoud all of them be formed in the best and most agreeable words that could be deuised, for remouing all offence that might bee taken at the same, and no aduantage ginen to the aduersaries of the Truth: and to this effect were named some graue and wise Brethren, who were desired to haue the same in readineſſe at four of the clocke in the afternoone; it being thought meit, that the full Assembly shoud not meet before Thurfday again, at which time all might be prepared.

#### Wednesday at afternoone.

Albeit the meeting of the full Assembly was deferred to the next day, yet that afternoone, the whole number thronging in, whether that they were not aduertised of the delay, or that they desired to bee present with the Conference, came thither; which the Archbiſhop perceiving, he tooke occasion to excuse the delay of meeting with them, declaring how farre they had proceeded, and that the Conference had committed the Articles to bee formed vnto certayne Brethren, who were at that time to present them; and therefore desired they should haue patience till the morrow, and leaue the Conference for that time by themſelues, which they did.

How ſoonne they were remoued, theſe who were appointed to forme the Articles, being inquired what they had done, anſwered, That they had

formed the Article about kneeling, but had no leisire to consider of the rest: This being read, which they had put in forme, was well liked of, and they required to haue the rest in readinesse at the time of the Assemblies meeting the next day.

The rest of that afternoone was spent in the deuising of some overture for the restraining of Simony, to bee proponed to the whole Assembly, which the next day after was by vniuersall consent allowed: As likewise, the Commission for the planting of the Church of Edinburgh; and the forming of the Booke of Common Prayers; and extracting of the Canons of the Church. And thus ended this Conference.

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Thursday the 27 of August.

That day being an ordinary day of preaching, a Sermon was made by the reuerend Father in God William late Bishop of Galloway.

The Assembly being met in full number, to take some conclusion in the busynesse, for which they were conuened, after invocation of the Name of God, it was declared vnto them, that by the labours of the Conference in their private meetings, the Articles proponed by his Majestie were brought and reduced into that forme, as it refled for the Assembly to consider, whether or not the same should be receiued in our Church; and to moue them the rather to condescend, his Maiesties resolucion to haue the Articles receiued, was declared, and how no other answere could satisfie, but granting of the faid Articles. They were likewise remembered of their promises made to his Maiesties selfe at Saint Andrewes, and in the last Generall Assembly, and had the lawfulness, and indifferencie of these matters at length of new expounded vnto them; neither was any of their common pretexts left unanswered, place being giuen to all that would reason against any one of the Articles, to doe the same. And while some of them inslited by long speeches to haue a continuation made of matters to another Assembly, and a supplication sent to his Majestie for some longer delay, his Highnesse Commissioners hauing vrged a present answere, they were desired to cease, and not to triffler time with vnecessary speeches, seeing matters shoulde receiue decision before they went foorth of doores.

Doctor Lindsey his answere, being posed on conscience to declare his

iudgement touching kneeling at the Sacrament, was this, On my conscience I neither know Scripture, reasoun, nor antiquitie, that enforceth kneeling, sitting, standing, or passing, as necessary; but thinke them all indifferent: and therefore, that any of them may bee lawfully vsed, when it is found expedient. And considering nothing to be more expedient for the weale of our Church, then to keepe peace with our gracious Soueraigne, and not to contend for such matters, I iudge, yeelding to his Highnesse desire to bee the onely best.

The Ministers with modest importunity insisted, that the matters depending might be better cleared by farther reasoning and advisement, so much the rather because these matters had not been reasoned in full Assembly, for the information of all these that had interest. And suppose all this had been done in the Conference; yet all was new to the full Assembly, and ought to be repeated and fully discusſed for information of all voters. Many Ministers had not ſo much as acces to hear or propone one argument. They had no feats provided for them as the other party had. After much dealing, and many earnest speaches and desires to be heard, liberty was granted to a few, but with ſuch checks and limitations to the party that preſſed to propone and reaſon, that quickly they were cut off, and fourly rebuked; rather borne down with authority, than ſatisfied with reaſon. His Majesties chief Commissioner, Secretary Hamiltoun, and the Archbiſhop ſtraightly enjoyned them, either to propone a new reaſon, or else to hold their peace, when as the argument had either not been proponed in Conference, or if proponed not anſwered; or if anſwered, not ſuffered to be replied to. In a word, the Archbiſhop profeſſed plainly, that neither their reaſons nor their number ſhould carry away the matter. These Articles muſt be concluded, and ſhould be concluded; although there were none but the eleven Biſhops, with the authority of his Majesties Commissioners, they ſhall impoſe them. Some velitation there was about holy dayes; but nothing ſpoken of the three other Articles. The Kings chief Commissioner and the Biſhops reſolved to end all at this Seſſion.

The Ministers not being permitted to reaſon, and purſue their arguments verbally with ſuch liberty as was requiſit, and fearing preiudice in voting, gave in ſome Articles in writh, to be conſidered before the five Articles were put to voting, profeſſing they were ready to preſent in writh particu‐lar reaſons againſt every one of the ſaid Articles. The prefenter Mr John Scringour Minister at Kinghorne was comandeſt to ſubſcribe them, and

was rebuked as not having Commission. They suspected he was to present a Protestation against the proceedings of the Assembly; for preventing whereof they had declaimed before against the Protestation, subscribed at the last Parliament, as treasonable and feditious. But when he was perceived to seek a pen to subscribe, the Archbishop received them out of his hands, and desired the Clerk of the Assembly to read the same. Two of them were read, and when they were perceived to contain no matter of moment, or any new thing, which had not been before talked of, they were cast by, as not deserving any consideration.

The Articles presented to the Assembly, August 27. With some quotations, added for confirmation.

For as much as we haue been debarred of acceſſe, and from hearing the proceedings of the Conference, their reaonings, consultations and aduifeſments, ament the Articles proponed to this General Assembly; whereof all, and every one of them ſo nearly touches vs, in our Christian refolution, and offices of our Miniftry: in moft humble manner wee preſent to your conſideration the particulars hereafter ſpecified, in the feare of God, intreating your favourable anſweſe to the fame.

1. The articles proponed, if they be concluded, they doe innouate, and bring vnder the flander of change the eſtate of this Church, fo aduifeſly eſtabliſhed by Eccleſiaſticall Conſtitutions, Acts of Parliament, approbation of other Kirks, and good liking of the beſt reformed Kirks without and within this Kingdome, and ſo euidently bleſſed with happy fuſſeſſe, and fenſible expeſience of Gods greateſt benefits, by the ſpace of fifty eight yeareſ and aboue; fo that wee may boldly fay to the praife of God, That no Church hath enioyed the truthe and puritie of Religion in larger libertie. And vpon ſome ſuch conſiderations, it pleafed his gracious Maiestie to continue the Church of England in her eſtabliſhed eſtate, as may bee ſene in the Conference at Hampton Court, and Thomas Sparke his booke written thereupon. Ipsi quippe mutatio, etiam quae adiuuat vtilitate, nouitate perturbat: qua propter quae utilis non eſt, perturbatione inſtruſtuoſa conſequenter noxia eſt, faith Augustine, Epift. 118. that is, Euen a change that is helpefull for vtilitie, perturbeth with the noueltie: Wherefore, conſequently, a change that is not profitable, is noyſome through fruitleſſe per-

turbation. Rather a Church with some fault then stile a change, it is said in the Conference at Hampton Court.

2. The receiuing againe of these Articles so iustly reiecte, and so carefully and long kept forth of this Kirk, grieueth the reformed Professours tenderly affected to our reformation, and giueth occasion to our aduersaries to reproue our separation from them, of rashnesse, leuitie and inconstancie; and not only hindereth their conuerlion, but strengthneth their hope of our further conformitie with them. Quoties non mutarunt suam quisque fententiam? Quod aedificant hodie, cras destruunt; hodie lapidem locant in fundamentum, caementoque confirmant, quem postero die eruunt et conterunt. Ubiue revocationes, emendationes, novi foetus, aliae atque aliae, quoties nova fententia placet, assertions: alias deturbat aliud, confusio confusioni permisctetur; atque interim scinditur incertum flidia in contraria vulgus. Nec adhuc cernimus aliud; et quis nisi mente captus dicat, istiusmodi artifices reaedificare Ecclesiam Dei; quibus omnia incerta, fluxa, instabilia, contraria; quibus nulla dogmatum constantia, nulla animorum consensio? Antididagma Coloniens. Pag. 4. That is, How oft have they not changed every one their opinion? That which they build to day, they demolish to morrow: They place this day a stome for a foundation, and make it sure with mortar, which they pull up the day following, and bruise in pieces. Every where there is revocations, corrections, new births, diverse assertions, as oft as a new opinion pleafeth any of them; one throweth doun another; confusion is mingled with confusio; and in the mean time the doubtful vulgar are severed in contrary factions. Neither yet doe we perceive any other thing: And who will say, except such an one is beside himself, that such artifans reedifie the Kirk of God, to whom all things are uncertain, flowing, unstable, contrarious, who have no constancy in the heads of Doctrine, no consent of minds?

3. They cannot stand in one profession with brotherly kindnes, peace, and loue, whiche must bee tenderly kept amongst the members of Chrits body, as the same consisteth of stronger and more infirme; as may appeare in the Apostolicall Rules following. 1. All things are lawfull to me, but all things are not profitable. I may doe all things, but I will not be brought vnder the power of any thing. 2. Let every man be fully perswaded in his own minde. 3. Whatsoeuer is not of faith is sin. 4. Let euery one vnderstand according to soberitie, as God hath dealt to euery man the measure of faith. 5. Take heed, lest by any means this power of yours be

an occasion of falling to them that are weak. 6. Through thy knowledge shall thy weak brother fall, for whom Christ died. 7. When ye sin against the brethren, and wound their weak consciences, ye sin against Christ. 8. Whatsoever ye do, do all to the glory of God. 9. Giue no offence, neither to the Jew, nor to the Grecian, nor to the Kirk of God. 10. Pleafe all men in all things, not seeking your own profit, but the profit of many, that they may be faved. 11. Caufe not your commodity to be evil spoken of. 12. Let all things be done honestly, and in order. Things indifferent (put the cafe mans inventions were of that nature) in the cafe of scandal, ceafe to be indifferent, and are as things moral. Perkins Gal. 2. 8.

4. They giue way to humaine iuentions, and bring the wrong key there, of mans wit and will, within the house of God, whereby toyes and triffling ceremonies in number and force are multiplyed, as mens wits are variable to iuent. Who requireth these things at your hands?

5. The admitting of some openeth the doore to the rest, and the multitude of such make vs inferiour to the Jewes in two respects. 1. Their ceremonies were all divine. 2. In number fewer then rituall Christians do obserue betwixt the Pasche and the Pentecost. Gerson complayneth, *Quod multitudine leuissimarum ceremoniarum vis omnis Spiritus Sancti, quem in nobis vigere oportuit, et vera pietas fit extincta:* That with the multitude of friuelous ceremonies, true pietie was extinguished, and the force of the Spirit, which ought to be epowerfull in vs. Jewel. Apollog. p. 116. Sed quamvis hoc neque inveniri possit, quomodo contra fidem sunt, ipsam tamen Religionem servilibus oneribus premunt, ut tolerabilior sit conditio Judaeorum, qui, etiam si tempus libertatis non agnoverint, legalibus tamen sarcinis, non humanis praefumptionibus subjiciuntur. August. Epist. 119. Howbeit it cannot bee found, how they are contrary to the faith; yet they preffe downe Religion it selfe with feraile burthens, so that the estate of the Jewes is more tolerable, who, howbeit they did not acknowledge the time of their liberty, are subiect notwithstanding to the burthens of the Law, not to the presumptions of man. *Quanto magis accedit cumulo rituum in Ecclesia, tanto magis detrahitur non tantum libertati Christianae, sed et Christo, et ejus fidei.* Confess. Orthod. Cap. 27. that is, The more that the heape of rites and ceremonies in the Kirk increafeth, the more is derogated, not onely from Christian libertie, but also from Christ, and his faith. Learned and graue men may like better of the single forme of Policie in

our Kirk, then of the many ceremonies of the Kirk of England. Epist. before Bafilicon Doron.

6. They hinder edification ; for how much time and zeale shall bee spent vpon the inbringing and establisshing of these, as much leisure and opportunity shall Satan get to sow and water the tares of atheism, schisme, popery, and diffention. Consider the sentences following. 1. Let us proceed by one rule, that we may mind one thing. Phil. 3. 16. 2. Let us follow the truth in loue, and in all things grow up in him, who is the head, that is, Christ. Ephes. 4. 15. 3. Give no place to the Devil. 4. If ye be otherwise minded, God shall reveal the same to you. 5. Feed my sheep. 6. Take heed unto yourselues, and unto the flock. 7. Let no root of bitterness spring up to trouble you. 8. Fulfill my joy, that ye may be like minded, having the same loue, being of one accord, and of one judgement, that nothing be done through contention and vain glory ; but that in meekness of mind every man esteem other better than himself. 9. Do all things without murmuring and reasoning. 10. It was needfull for me to write unto you, that ye shoulde earnestly contend for the faith which was once delivered to the Saints. 11. While men slepht the enemy came, and sowed his tares among the wheat, and went his way.

7. Matters of that nature bring ineuitably with them disputationes, divisions, contentions, as may be seen in all Kirks, where such coals of contention get entrie. The Pascha of the Primitive Kirk, the Interim of Germany, the rent of the Kirk of England, our oun experience since the strife of the External Gubernation began among us, &c.

8. They bring a sensibl blot, either vpon the happie memory of our godly and wise predeceſſors, in ſo farre as wee depart from that reformation, ſo wilily brought in, appointed and eftablifhed by them ; or elſe vpon our felnes, by reſuming againe of dangerous ſuperfluities, without reaſon, reiec̄ted by them for weighty and neceſſary cauſes. *Magnum eſt hoc Dei munus, quod una et Religionem puram, et eutaxian, Doctrinæ videlicet retinendæ vineulum, in Scotiam intulistiſi* : Sic obſecro et obteſtor, haec duo ſimul retinete, ut, nro amiflo, alterum non diu permanere poſſe ſemper memineritis. Beza Epift. to Mr Knox. This is a great benefit of God, that ye haue brought into Scotland true Religion, and good order, the band that retaineth Doctrine, at one time : So I beſeech you and obteſt, that you retaine theſe two together ; ſo that ye remember, that if the one be loſt, the other cannot long endure. And again he faſh, *Quam recte*

illud, quod disciplinam simul cum do&ctrina conjungitis : Obscuro et obteſtor ut ita pergaſis, ne vobis idem, quod tam multis, eveniat, ut qui in limine impegerunt, progredi non poſſint ; imo etiam interdum ne velint quidem, quod longe miſerrium eſt. How well was that done, that yee conioyned do&ctrine and discipline together. I beſeech you, and obteſt, that yee goe forward, leſt it happen to you, which has befallen to many that could not make a progreſſe, having flumblēd in the very entry ; yea fometime were not willing, which is moſt lamentable.

9. They ſet loofe the filthy mindes and mouthes of fleſhy liners, to triumph againſt the moſt found and beſt reformed Profeffors, and to rejoice in their rotten opinions, and reſtored opportunities of ſenſual obſeruations of guiſing, gluttony, carrells, &c.

10. They are declared by this Church to bee contrary do&ctrine, as may bee feene in the firſt, ſecond, and third Chapters of the firſt booke of Discipline, in theſe words : We iudge that all do&ctrine repugnant to the Euangell, ſhould bee vtterly ſuppreſſed, as damnable to mans faluation. In the books of the Old and New Teſtament we affirm that all things, neceſſary for the iſtruction of the Kirk, and to make the man of God perfect, are contained and ſufficiently expreſſed. By contrary do&ctrine, wee vnderſtand whatſoever men by Lawes, Councells, or Conſtitutions, haue impoſed on the conſciences of men, without the expreſſe commandement of Gods Word, as keeping of holy dayes commanded by man, the feaſt of Christmaſs, and other feaſts, &c.

11. The Commissioners of Presbytries here aſſembled, sufficientlȳ underſtand, that neither the Presbytries, from whom they have their Commissions, nor the particular Churches of this Realme, either require, are willing, or conſent to admit theſe novaſions. Conſitentur Theologi, nil eſſe per Synodos Ecclesiſis invitis obtrudendum. The Diuines confeſſe, that nothing ſhould be obtruded vpon Churches by Synods, againſt their will.

12. The Commissioners of Presbytries here aſſembled, vnderſtanding the alienation of them, from whom they receiued their Commission, from theſe Articles, can by no warrant bind nor oblige their vnwilling Presbytries and Congregations to their votes. Eccleſiam diſſentientem et inuitam obligare quis potest ? Who can binde a Kirk diſſenting and vnwilling ?

13. There ſtand in force diuerſe A&cts of Parliament in fauours of our preſent order, Jacob. 6. Parl. 1. cap. 8. Ja. 6. Parl. 6. cap. 68. and cap. 69. Item, the firſt A&t of the Parliament 1592.

14. The Ministers of this Church, by order of the fame printed and inserted before the Psalme Booke, at their admissions respetiué, promise in the prefence of God, and of the Congregation assembled, to abhorre and vtterly refuse all Doctrine alledged necessary to saluation, that is not expressly contained in the Old and New Testament ; and according to the graces and utterances that God shall grant to them, to profess, instrnct, and maintain the purity of the Doctrine contained in the sacred Word of God ; and to the uttermost of their power to gainsland and convince the gainsayers, and teachers of mens inventions. Item, To submitt themselves most willingly to the wholsome Discipline of this Kirk, by the which they were then called to their office and charge, promissing in Gods prefence obedience to all admonitions, secretly or publickly given, &c.

15. The Subscribers of the Confession of Faith be their oath therein contained, promise and sweare to continue in the obedience of the doctrine and discipline of this Church, and to defend the fame according to their vocation and power all the days of their liues, under the pains contained in the Law, and danger both of body and foul in the day of Gods fearfull judgment : and to abhorre and detest all contrary religions ; but chiefly all kind of Papistry in general, even as they are now damned and confuted by the Word of God, and Kirk of Scotland : but in special the Popes five bastard Sacraments, whereof Confirmation is one ; with all rites, ceremonies, and false doctrines, added to the true Sacraments without the Word of God ; his abſolute necessity of Baptism, &c. Which Confession, and practise following thereupon, is come to the eyes of the World in print, and solemnly renewed in the Covenant celebrated in the General and Provincial Assemblies, Presbyteries, and Kirk Sessions, in the year of God 1596. And how shall any man be heard to speak againt that whereunto he hath formerly fworn and subscribed ?

The Ministers most humbly and earnestly requiested the Kings Commissioners, that the concluding of the Articles might be continued, till their reaſons were fent in writt to his Majefty, and his anſwer returned. But their humble requiest was refused.

Before the roll was called, his Majefties Letter was read againe in open audience of the Assembly ; to the end they might fee his earnestnes about the fame matters, and the laſt impression might incline the voters to conſent.

The Ministers, defenders of the established order, required again, that none might have place to vote, but such as were authorized with lawfull Commission. But this order was not admitted: Yea, the Archbishop answered, that if all Scotland were present there, they shoud vote.

It was desired by some, That the Articles might be severally voted, as many would agree to some of them, who would not accept of all: But it was thought meetest to vote them in cumulo, because the denying of one would be to his Maiestie, as the denying of all.

The Archbishop took the roll of the names in his own hand from the Clerk. First, were called the Kings Commissioners and the Assessors; then the Noblemen, Bishops, and Barons; then the Doctors and Ministers; and last of all the Burgeesses.

In end, by plurality of votes the fine Articles were concluded.

1. Seing we are commanded by God himself, that when wee come to worship him, we fall doun and kneel before the Lord our Maker; and consideringe withall, that there is no part of divine worship more heavenly and spiritual, then is the holy receiving of the blessed body and blood of our Lord and Saviour Jesus Christ; like as the most humble and reverend gesture of the body, in our meditation and lifting up of our hearts, best becometh so divine and sacred an action: Therefor, notwithstanding that our Kirk hath used, since the Reformation of Religion, to celebrate the holy Communion to the people sitting, by reason of the great abuse of kneeling used in the idolatrous worship of the Sacrament by the Papists: yet now seeing all memory of by past superflition is past; in reverence of God, and in due regard of so divine a mystery, and in remembrance of so mystical an union as we are made partakers of, the Assembly thinketh good, that that blessed Sacrament be celebrat hereafter meekly and reverently upon their knees.

2. Item, If any good Christian visited with long sicknes, and known to the Pastor, by reason of his present infirmity, unable to report to the Kirk for receiving of the holy Communion; or being sick shall declare to the Pastor upon his conscience, that he thinks his sicknes to be deadly, and shall earnestly desire to receive the same in his house, the Minister shall not deny to him so great a comfort, lawfull warning being given to him the night before; and that there be three or four of good religion and conversation, free of lawfull impediments, present with the sick person, to com-

municat with him ; who must also provide a convenient place in his house, and all things necessary for the reverend administration thereof, according to the order prescribed in the Kirk.

3. Item the Minister shall often admonish the people, that they deferr not the baptizing of infants any longer then the next Lords day after the child be borne, unles upon a great and reasonable cause declared to the Minister, and by him approved : As also they shall warn them, that without great cause they procure not their children to be baptized at home in their houses. But when great need shall compell them to baptize in privat houses, (in which case the Minister shall not refuse to doe it, upon the knowledge of the great need, and being timely required thereto,) the baptism shall be ministred after the same forme, as it shoule have been in the congregation : and the Minister shall the next Lords day after any such privat baptism, declare in the Kirk, that the infant was baptized, and therefor ought to be received as one of the true flock of Christ's fold.

4. Item, For as much as one of the most special means for staving the increase of Popery, and settling of true Religion in the hearts of the people is, that a special care be taken of the trial of young children their education, and how they are catechized ; which in time of the Primitive Kirk was most carefully attended, as being most profitable to cause young children, in their tender years, drink in the knowledge of God and his religion ; but is now altogether neglected, in respect of the great abuse and errors which crept into the Popish Kirk, by making thereof a Sacrament of Confirmation : Therefor, that all superflittions builded thereupon may be recinded, and that the matter itself being most necessary for the education of the youth, may be reduced to the primitive integrity, it is thought good, that the Minister in every paroch shall catechize all young children of eight years of age, and see that they have the knowledge, and be able to make rehearval of the Lords Prayer, the Belief, and ten Commandments, with answers to the questions of the small Catechism used in our Kirk : And that every Bishop in his visitation shall censure the Minister, who shall be found remiss therein ; and the said Bishops shall cause the said children to be presented before them, and bleſ them with prayer for increase of their knowledge, and continuance of Gods heavenly graces with every one of them.

5. Item, As we abhor the superflitious observation of Feſtivall dayes by the Papists, and detest all licentious and profane abuse thereof by the com-

mon fort of profellors ; so we think, that the inestimable benefits, receivit from God by our Lord Jesu Christ his Birth, Pallion, Resurre<sup>t</sup>ion, Ascension, and Sending down of the Holy Ghost, were commendably and godly remembered at certain particular dayes and times, by the whole Kirk of the world, and may be also now : Therefor the Assembly ordains, that every Minister shall upon these dayes have the commemoration of the fore-laid inestimable benefits ; and make chiose of severall and pertinent texts of Scripture, and frame their doctrine and exhortation thereto ; and rebuke all superflitious observation and licentious profanation thereof.

The Bishop proponed an Act to be made, that all Ministers at their admission should fwear, that they have made no privat pa<sup>c</sup>tion for diminution of the stipends, modified be the Commissioners appointed be the Parliament.

Item, A ratification of the Catechisim allowed at Aberdeen, and printed sincie with Priviledge.

Item, That every Minister have care, that the Act against beggers be obserued in their parishes.

Item, That Mr William Scot and Mr Alexander Henderfon be transported to Edinburgh.



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     Burne.
- NEWLANDS, minister of, *v.* Allan.  
 Newton, Laird of, *add* Oliphant.  
 Nithsdail, *for* kirk, *read* kirks.
- OATHS, *add* 1139.  
 Oppression, *v.* Labourers, Poor, Teinds.  
 Ormiston, minister of, *add* Bennet.  
 Oswald—minister, *insert* in the Merse.
- PETFOODELS**, *v.* Menzies.  
 Poor, *add* *v.* Labourers, Oppression, Teinds.  
 Prestonkirk, minister of, *v.* Hepburne.
- RAMSAY, *for* Bowman, *read* Bomaine.  
 Robertland, [Cunningham of.] 873.  
 Rig, James, *add* *v.* Carbarrie.  
 Ruthen, *v.* Ruthven, William, of Bellindane.  
 Ruthven, *for* William, *read* Willian Lord,—  
     *add* *v.* Gowrie, Earl of.
- ST CUTHBERTS**, minister of, *v.* Aird, Harklaw,  
     Pont.  
 St Marie's Isle, *v.* Lidderdale.  
 Sanderson, *insert* Tyningham *before* Whitting-  
     ham.  
 Scott, William, *transpose* minister of Cupar, *be-*  
     *fore* 1037.













